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HERTSLET'S CHINA TREATIES.

TREATIES, &c.,

BETWEEN

GREAT BRITAIN AND CHINA;

AND BETWEEN

CHINA AND FOREIGN POWERS;

AND

ORDERS IN COUNCIL, RULES, REGULATIONS, ACTS OF PARLIAMENT, DECREES, &c.,

AFFECTING

BRITISH INTERESTS IN CHINA.

IN FORCE ON THE

1ST JANUARY, 1908.

Third Edition.

Revised, under the Superintendence of the Librarian of the Foreign Office,

BY

GODFREY E. P. HERTSLET,

WITH THE ASSISTANCE OF

EDWARD PARKES.

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EXTRACT FROM THE PREFACE TO THE EDITION OF 1896.

THE publication of the present collection of Treaties and other engagements, under which the trade and relations of Foreign Countries with China are conducted, has been undertaken, by special request, in order to meet a requirement long felt, but which is more particularly needed at the present time.

In May, 1877, I published, in a small volume of 250 pages, a collection of the Treaties which had been concluded by this Country with China, between the years 1842 and 1860, together with a short Abstract of the Contents of each of the Commercial Treaties which other Foreign Nations had also concluded with China, and which were then in force. Various Orders in Council and other Documents affecting British Interests in China, were also added to the collection.

In August of the same year (1877), Mr. W. F. Mayers, Chinese Secretary to Her Britannic Majesty's Legation at Peking, also published a similar Work, in which he gave, *in extenso*, so far as it was deemed necessary, the Treaties which China had concluded with Foreign Powers; but this Work has long since been out of print, and as many of these old Treaties have been revised, and many new ones have been concluded by China with other Foreign Nations during the last 18 years, the necessity for a complete Work, containing all the Treaties which China has entered into with Foreign Powers up to the present date, has been widely felt, and it is with the object of supplying that want that the publication of the present Work has been undertaken.

With a view to making the Work as complete as possible, some few Treaties which have been replaced by later ones have been inserted, by request, and some of the earlier Russian Treaties are also given, as having an historical interest.

The Convention concluded between Great Britain and China on the 5th March, 1866, to regulate the Engagement of Chinese Emigrants by British and French Subjects, and the Supplementary Commercial Convention,

signed between the British and Chinese Plenipotentiaries at Peking on the 23rd October, 1869, are also given, for although neither of these Instruments was ratified, they still form the subject of occasional reference in Correspondence with the Chinese Authorities.

Where clauses of different Treaties are precisely the same, or their wording practically identical, it has been deemed superfluous to reproduce both texts, and a reference is therefore only given, in such cases, to some other Treaty in which the same clause appears.

By Article 24 of the Treaty of Tientsin of 26th June, 1858, British Subjects trading with China are placed upon the footing of the "most-favoured-nation," with regard to Import and Export Duties; and by Art. 54 of the same Treaty, it is stipulated that "the British Government and its Subjects will be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may be hereafter granted by His Majesty the Emperor of China to the Government or Subjects of any other nation."

But great difficulty has hitherto been experienced, when important questions have arisen with respect to the rights and privileges of British Subjects in China, in ascertaining, readily, in what respect, if any, the wording of the Articles of the English Treaties bearing upon the subject in question has differed from the wording of similar Articles in Treaties which China has concluded with other Foreign Powers; and to avert this difficulty in future, a *General Index* has been prepared to all the Treaties which China has concluded with this Country and all other Foreign Powers; and so arranged that the clauses of the various Treaties on any given subject can, at once, be referred to and examined, in order to ascertain in what respect the various versions differ.

Each Treaty or other Document has a distinctive number given to it by which it is known and referred to in other Documents throughout the Work.

A Map is inserted (facing page 1), showing (approximately) the boundaries between China and the adjacent countries, and on it the Chinese Ports and Places open to Trade are underlined in red ink.

EDWARD HERTSLET.

FOREIGN OFFICE,
1st January, 1896.

PREFACE TO THIRD EDITION.

In compiling the present Edition I have adhered to the system adopted by my father, the late Sir Edward Hertslet, of assigning to each Document a distinctive number; and have retained, as being of historical interest, certain Treaties which are no longer regarded as being in force.

Two additional Maps are given, to illustrate the British Treaties respecting the extension of Hong Kong Territory and the amendment of the Burmah Frontier.

The engagements entered into between Foreign Powers, and between Great Britain and Foreign Powers, in recent years, respecting the integrity of China, &c., will be found in Part III of this Volume.

The Edition of 1896 was out of print within a few months after it was issued; and important changes have taken place during the last twelve years, rendering a new Edition necessary.

Many additional Ports and Places have been opened to Foreign Trade, and the Import Tariff of 1858 has been replaced by the New Tariff drawn up in 1902.

In addition to the Treaty Ports, Ports of Call, and Places open to British Trade, being underlined in the Map (facing page 1), a list, giving a reference to the authority under which each was opened, will be found at the end of Volume 2, Part V.

GODFREY E. P. HERTSLET.

FOREIGN OFFICE,
1*st January*, 1908.

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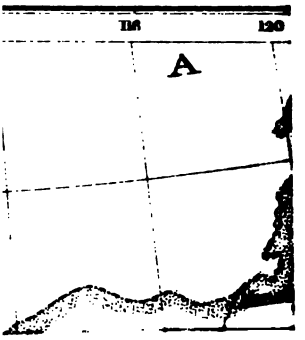
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PART I.

TREATIES, &c.,
BETWEEN GREAT BRITAIN AND CHINA,
1842—1907.


A

CHINA TREATIES.

TREATIES, &c., BETWEEN GREAT BRITAIN AND CHINA, 1842—1907.

THE following Treaties of Commerce, &c., were concluded between Great Britain and China between 1842 and 1907 :—

No.	Treaty.	
	1842.	
1.	Aug. 29. (Nanking.)	—Treaty of Peace, Friendship, Commerce, &c. (p. 7). *Confirmed by Art.* 1 *of the Treaty of* 26*th June*, 1858 (No. 6).
	Declaration. 1843.	
2.	June 26.	—Declaration respecting Transit Dues (p. 12). *Amended by Art.* 28 *of the Treaty of* 26*th June*, 1858 (No. 6).
	Regulations. 1843.	
3.	July.	—General Regulations for British Trade at the Ports of Canton, Amoy, Foochowfoo, Ningpo, and Shanghai (p. 13). *Abrogated by Art.* 1 *of the Treaty of* 26*th June*, 1858 (No. 6).
	Supplementary Treaty. 1843.	
—	Oct. 8.	—Supplementary Treaty of Commerce. *Abrogated by Art.* 1 *of the Treaty of* 26*th June*, 1858 (No. 6).

No. Convention.
1846.

4. April 4.—Convention relating to the entrance (Bocca Tigris.) of British Subjects into Canton, the evacuation of Chusan, &c. (p. 15). *Confirmed by Art.* 54 *of the Treaty of* 26*th June*, 1858 (No. 6).

Agreement.
1847.

5. April 6.—Agreement relating to the entrance of British Subjects into Canton; the Trade at Honan; and the erection of Churches at the Ports of Trade (p. 17). *Confirmed by Art.* 54 *of the Treaty of* 26*th June*, 1858 (No. 6).

Treaty.
1858.

6. June 26.—Treaty of Peace, Friendship, and (Tientsin.) Commerce (p. 18). *Confirmed, subject to certain modifications, by Art.* 7 *of the Convention of* 24*th October*, 1860 (No. 8), *and by Agreement of* 13*th September*, 1876 (No. 12).
The Separate Article relating to the payment of Chinese Indemnity *was annulled by Art.* 3 *of the Convention of* 24*th October*, 1860 (No. 8).

Arrangement.
1858.

— Oct. 8.—Arrangement respecting the Residence of the British Representative in China. *Cancelled by Art.* 2 *of the Convention of* 24*th October*, 1860 (No. 8).

Agreement.
1858.

7. Nov. 8.—Agreement containing Rules of Trade, with the Tariff of Imports and Exports, Transit Dues, &c. (p. 35).

Convention.
1860.

8. Oct. 24.—Convention of Peace and Friendship (Peking.) (p. 48).

No. Agreement.

1865.

9. Oct. 27.—Agreement respecting Customs Seizures at Shanghai (p. 53). *Superseded by the Joint Investigation Rules of 31st May*, 1868 (No. 127).

Convention.

1866.

10.* Mar. 5.—Convention to regulate the Engagement of Chinese Emigrants by British and French Subjects (p. 55).

Supplementary Convention.

1869.

11.* Oct. 23.—Supplementary Convention of Commerce, &c. (p. 61).†

Agreement.

1876.

12. Sept. 13. (Chefoo.)—Agreement for the Settlement of the Yünnan Case, Official Intercourse, and Trade between the Two Countries (p. 73). (See Nos. 14 and 18.)

Memorandum.

1880.

13. Dec. 10.—Agreement respecting Personal Relations and Official Intercourse between British Consular Officers and Chinese Provincial Authorities (p. 80).

Additional Article.

1885.

14. July 18. (London.)—Additional Article to the Chefoo Agreement (No. 12). Traffic in Opium (p. 84).

Convention.

1886.

15. July 24.—Convention relative to Burmah and Tibet (p. 88). (See Nos. 20 and 22.)

* Not ratified.

† See "Hansard's Debates." Vol. 202 (1870). Page 1624.

No. Agreement.
1886.

16. Sept. 11.—Agreement respecting the Opium Trade at Hong Kong (p. 90).

Convention.
1890.

17. March 17.—Convention relating to Sikkim and Tibet (p. 92). (See Nos. 19 and 32.)

Additional Article.
1890.

18. March 31.—Additional Article to the Chefoo Agreement (No. 12). Chungking to be opened to Trade (p. 94).

Regulations.
1893.

19. Dec. 5.—Regulations regarding Trade, Communications, and Pasturage, appended to the Sikkim-Tibet Convention of 1890 (No. 17), and for opening Yatung to Trade (p. 96). (See No. 32.)

Convention.
1894.

20. March 1.—Convention for the Execution of the Convention of 1886 (No. 15), respecting Boundaries, &c. Burmah and China (p. 99). *Modified by Agreement of 4th February*, 1897. (No. 22).

Convention.
1894.

21. Sept. 6.—Convention respecting the Junction of the Chinese and Burmese Telegraph Lines (p. 110). *Revised by the Convention of 23rd May*, 1905. (No. 30.)

Agreement.
1897.

22. Feb. 4.—Agreement modifying the Convention of 1894 (No. 20) relative to Boundaries, &c. Burmah and China (p. 113).

No. Exchange of Notes. 1898.

23. Feb. 9–11.—Exchange of Notes respecting the Non-alienation of the Yang-tsze Region (p. 119).

Convention. 1898.

24. June 9.—Convention respecting an Extension of Hong Kong Territory (p. 120).

Convention. 1898.

25. July 1.—Convention respecting Weihaiwei (p. 122).

Final Protocol. 1901.

26. Sept. 7.—Final Protocol between the Foreign (Peking.) Powers and China for the Resumption of Friendly Relations (p. 123). (See Nos. 27, 28, and 31.)

Agreement. 1902.

27. Aug. 29.—Agreement between the Special Commissioners respecting the New Chinese Import Tariff (p. 148). *Tariff and Rules annexed.*

Treaty. 1902.

28. Sept. 5.—Treaty respecting Commercial Relations, (Shanghai.) &c. (p. 171) [Mackay Treaty].

Convention. 1904.

29. May 13.—Convention respecting the employment of Chinese Labour in British Colonies and Protectorates (p. 189).

Convention. 1905.

30. May 23.—Convention respecting the junction of the Chinese and Burmese Telegraph Lines (p. 195). *Revision of Convention of 6th September*, 1894 (No. 21).

No. Agreement.
1905.

31. Sept. 27.—Agreement between the Foreign Powers and China respecting the Whangpoo Conservancy (p. 199).

Convention.
1906.

32. April 27.—Convention respecting Tibet (p. 202), to which is annexed the Convention between Great Britain and Tibet of the 7th September, 1904 (p. 204).

[See also Parts IV and V]

(No. 1.) *TREATY of Peace, Friendship, Commerce, Indemnity, &c., between Great Britain and China. Signed at Nanking, 29th August,* 1842.

[Signed also in Chinese.]

[Ratifications exchanged at Hong Kong, June 26, 1843.]

[Renewed and confirmed by Art. I of the Treaty of 26th June, 1858 (**No. 6**).]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being desirous of putting an end to the misunderstandings and consequent hostilities which have arisen between the two countries, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of Great Britain and Ireland, Sir Henry Pottinger, Bart., a Major-General in the service of the East India Company, &c. ;

And His Imperial Majesty the Emperor of China, the High Commissioners Keying, a Member of the Imperial House, a guardian of the Crown Prince, and General of the garrison of Canton ; and Elepoo, of the Imperial Kindred, graciously permitted to wear the insignia of the first rank, and the distinction of a peacock's feather, lately Minister and Governor-General, &c., and now Lieutenant-General Commanding at Chapoo.*

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

There shall henceforward be peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of China, and between their respective subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

[See also Treaty, 26th June, 1858 (**No. 6**), Art. XVIII.]

ARTICLE II.

Canton, Amoy, Foochow, Ningpo, and Shanghai opened to British Subjects and their Trade.

His Majesty the Emperor of China agrees, that British subjects, with their families and establishments, shall be allowed to reside, for the purpose of carrying on their mercantile pursuits,

* Although only two Chinese Plenipotentiaries are here named, the Treaty was in fact signed by three.

without molestation or restraint, at the cities and towns of Canton, Amoy, Foochowfoo, Ningpo, and Shanghai.

[See also Convention of 4th April, 1846 (**No. 4**), and Agreement of 6th April, 1847 (**No. 5**), respecting the entrance of British Subjects into Canton.]

Appointment of British Superintendents or Consuls at those places; their Duties.

And Her Majesty the Queen of Great Britain, &c., will appoint Superintendents, or Consular Officers, to reside at each of the above named cities or towns, to be the medium of communication between the Chinese authorities and the said merchants, and to see that the just duties and other dues of the Chinese Government, as hereafter provided for, are duly discharged by Her Britannic Majesty's subjects.

[Amended. See Articles VII and XI of Treaty of 26th June, 1858 (**No. 6**).]

ARTICLE III.

Cession of Hong Kong to Great Britain.

It being obviously necessary and desirable that British subjects should have some port at which they may careen and refit their ships, when required, and keep stores for that purpose, His Majesty the Emperor of China cedes to Her Majesty the Queen of Great Britain, &c., the Island of Hong Kong, to be possessed in perpetuity by Her Britannic Majesty, her heirs and successors, and to be governed by such laws and regulations as Her Majesty the Queen of Great Britain, &c., shall see fit to direct.

[See also Article VI of the Convention of 24th October, 1860 (**No. 8**); and the Convention of 9th June, 1898 (**No. 24**), respecting an extension of Hong Kong Territory.]

ARTICLE IV.

Indemnity. Payment by China of 6,000,000 *dollars for value of Opium delivered up as a Ransom for British Subjects.*

The Emperor of China agrees to pay the sum of 6,000,000 dollars, as the value of the Opium which was delivered up at Canton in the month of March, 1839, as a ransom for the lives of Her Britannic Majesty's Superintendent and subjects, who had been imprisoned and threatened with death by the Chinese High Officers.

[In 1842 papers were laid before Parliament relating to the moneys received from the Chinese Authorities, in the City of Canton, under an agreement entered into with Her Majesty's Plenipotentiary, on the 27th May, 1841; and in 1858 further papers were laid before Parliament upon the same subject.]

ARTICLE V.

Abolition of Privileges of Hong Merchants at Ports of residence of British Merchants. Payment by China of 3,000,000 *dollars for Debts due to British Subjects by certain Hong Merchants.*

The Government of China having compelled the British merchants trading at Canton to deal exclusively with certain Chinese merchants, called Hong merchants (or Co-Hong), who had been licensed by the Chinese Government for that purpose, the Emperor of China agrees to abolish that practice in future at all ports where British merchants may reside, and to permit them to carry on their mercantile transactions with whatever persons they please; and His Imperial Majesty further agrees to pay to the British Government the sum of 3,000,000 dollars, on account of debts due to British subjects by some of the Hong merchants or Co-Hong, who have become insolvent, and who owe very large sums of money to subjects of Her Britannic Majesty.

ARTICLE VI.

Indemnity. Payment by China of 12,000,000 *dollars for Expenses of British Expedition to demand Redress. Deduction of ransom received by British Forces for Chinese towns.*

The Government of Her Britannic Majesty having been obliged to send out an expedition to demand and obtain redress for the violent and unjust proceedings of the Chinese High Authorities towards Her Britannic Majesty's Officers and subjects, the Emperor of China agrees to pay the sum of 12,000,000 dollars, on account of the expenses incurred; and Her Britannic Majesty's Plenipotentiary voluntarily agrees, on behalf of Her Majesty, to deduct from the said amount of 12,000,000 dollars, any sums which may have been received by Her Majesty's combined forces, as ransom for cities and towns in China, subsequent to the 1st day of August, 1841.

ARTICLE VII.

Periods for payment to be made by China of Indemnities of 21,000,000 *dollars.*

It is agreed, that the total amount of 21,000,000 dollars, described in the 3 preceding Articles, shall be paid as follows:—

6,000,000 immediately.

6,000,000 in 1843; that is, 3,000,000 on or before the 30th of the month of June, and 3,000,000 on or before the 31st of December.

5,000,000 in 1844; that is, 2,500,000 on or before the 30th day of June, and 2,500,000 on or before the 31st of December.

4,000,000 in 1845; that is, 2,000,000 on or before the 30th of June, and 2,000,000 on or before the 31st of December.

Interest on Arrears.

And it is further stipulated, that interest, at the rate of 5 per cent. per annum, shall be paid by the Government of China on any portion of the above sums that are not punctually discharged at the periods fixed.

ARTICLE VIII.*

All British Subjects (European and Indian) confined in China to be released.

ARTICLE IX.*

Amnesty. Release and Indemnity to Chinese formerly in British employ.

ARTICLE X.

Tariff to be issued of Import, Export, and Transit Duties.

His Majesty the Emperor of China agrees to establish at all the ports which are, by Article II of this Treaty, to be thrown open for the resort of British merchants, a fair and regular tariff of export and import customs and other dues, which tariff shall be publicly notified and promulgated for general information.

[See Treaty, 26th June, 1858 (**No. 6**), Arts. XXVI and XXVIII.]

Transit Duties on British Goods conveyed by Chinese into the Interior.

And the Emperor further engages, that when British merchandise shall have once paid at any of the said ports the regulated customs and dues, agreeable to the tariff to be hereafter fixed, such merchandise may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount as transit duties, which shall not exceed per cent. on the tariff value of such goods.

[A Declaration was signed on the 26th June, 1843, respecting Transit Dues, (**No. 2**), which was amended by Article XXVIII of the Treaty of 26th June, 1858 (**No. 6**), and by the Rules of Trade (§ 7) and Tariff of 8th November, 1858 (**No. 7**). See also Agreement, 13th September, 1876 (**No. 12**), Additional Article, 18th July, 1885, § III (**No. 14**) (Opium), Tariff Agreement of 29th August, 1902 (**No. 27**), and Treaty of 5th September, 1902 (**No. 28**).

ARTICLE XI.

Correspondence between British and Chinese Authorities.

It is agreed that Her Britannic Majesty's Chief High Officer in China shall correspond with the Chinese High Officers, both at

* See "Hertslet's Commercial Treaties." Vol 6. Page 221.

the capital and in the provinces, under the term "communication" 照會; the subordinate British Officers and Chinese High Officers in the provinces, under the terms "statement" 申陳 on the part of the former, and on the part of the latter, "declaration" 劄行; and the subordinates of both countries on a footing of perfect equality: merchants and others not holding official situations, and therefore not included in the above, on both sides, to use the term "representation" 稟明 in all papers addressed to, or intended for the notice of, the respective Governments.

[See also Agreements of 13th September, 1876, and 10th December, 1880 (**Nos. 12** and **13**).

ARTICLE XII.

Evacuation of Nanking and Grand Canal by British Forces.—Kulangsu and Chusan to be held by British Forces until Settlement of Money Payments.

On the assent of the Emperor of China to this Treaty being received, and the discharge of the first instalment of money, Her Britannic Majesty's forces will retire from Nanking and the Grand Canal, and will no longer molest or stop the trade of China. The military post at Chinhai will also be withdrawn; but the Islands of Kulangsu, and that of Chusan, will continue to be held by Her Majesty's forces until the money payments, and the arrangements for opening the ports to British merchants, be completed.

[Kulangsu was evacuated by the British Troops on the 22nd March, 1845. See also Convention of 4th April, 1846, for the British Evacuation of Chusan, &c. (**No. 4**).]

ARTICLE XIII.

Ratifications. Provisions of Treaty to take effect in the meantime.

The ratification of this Treaty by Her Majesty the Queen of Great Britain, &c., and His Majesty the Emperor of China, shall be exchanged as soon as the great distance which separates England from China will admit; but, in the meantime, counterpart copies of it, signed and sealed by the Plenipotentiaries, on behalf of their respective Sovereigns, shall be mutually delivered, and all its provisions and arrangements shall take effect.

Done at Nanking, and signed and sealed by the Plenipotentiaries on board Her Britannic Majesty's ship "Cornwallis,"

this 29th day of August, 1842; corresponding with the Chinese date, 24th day of the 7th month, in the 22nd year of Taoukwang.

(L.S.) HENRY POTTINGER.
Her Majesty's Plenipotentiary.

Seal of the Chinese High Commissioner.

Signature of 3rd Chinese Plenipotentiary.

Signature of 2nd Chinese Plenipotentiary.

Signature of 1st Chinese Plenipotentiary.

(No. 2.) *DECLARATION respecting Transit Duties. Signed at Hong Kong, 26th June*, 1843.

[Signed also in Chinese.]

[This Declaration was amended by the Treaty of 26th June, 1858, Article XXVIII (No. 6). See also Convention, 13th September, 1876, § III (No. 12), Additional Article, 18th July, 1885 (No. 14), and Treaty of 5th September, 1902 (No. 28), Article VIII.]

Limitation of Duties to existing Amount.

WHEREAS by Article X of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, concluded and signed on board Her Britannic Majesty's ship "Cornwallis," at Nanking, on the 29th day of August, 1842 (**No. 1**), corresponding with the Chinese date 24th day of the 7th month, in the 22nd year of Taoukwang, it is stipulated and agreed that His Majesty the Emperor of China shall establish at all the ports which by Article II of the said Treaty are to be thrown open for the resort of British merchants, a fair and regular Tariff of export and import customs and other dues, which Tariff shall be publicly notified and promulgated for general information; and further, that when British merchandise shall have once paid, at any of the said ports, the regulated customs and dues, agreeably to the Tariff to be hereafter fixed, such merchandise may be conveyed by Chinese merchants to any province or city in the interior of the Empire of China, on paying a further amount of duty as transit duty;

[Amended by Articles XXVI, XXVII, and XXVIII of the Treaty of 26th June, 1858 (No. 6).]

And whereas the rate of Transit duty to be so levied was not fixed by the said Treaty;

Now therefore, the undersigned Plenipotentiaries of Her Britannic Majesty, and of His Majesty the Emperor of China, do

hereby, on proceeding to the exchange of the Ratifications of the said Treaty, agree and declare, that the further amount of duty to be so levied on British merchandise, as transit duty, shall not exceed the present rates, which are upon a moderate scale; and the Ratifications of the said Treaty are exchanged subject to the express declaration and stipulation herein contained.

[Amended by Rule 7 of the Agreement of 8th November, 1858 (No. 7).]

In witness whereof the respective Plenipotentiaries have signed the present Declaration, and have affixed thereto their respective seals.

Done at Hong Kong, the 26th day of June, 1843, corresponding with the Chinese date, Taoukwang 23rd year, 5th month, and 29th day.

(L.S.) HENRY POTTINGER.
[Seal and Signature of the Chinese Plenipotentiary.]

TARIFF OF DUTIES ON THE FOREIGN TRADE WITH CHINA.

Established in pursuance of Article X of the Treaty of 29th August, 1842 (No. 1).

[Amended 8th November, 1868 (No. 7), in accordance with Article XXVI of the Treaty of 26th June, 1858 (No. 6). See also Tariff Agreement of 29th August, 1902 (No. 27).]

(No. 3.) *GENERAL REGULATIONS for the British Trade at the Five Ports of Canton, Amoy, Foochowfoo, Ningpo, and Shanghai.—July*, 1843.

These Regulations were reprinted intact, and formed part of the Supplemental Treaty of 8th October, 1843, which Treaty was abrogated by Article I of the Treaty of 26th June, 1858 (No. 6); they were however amended, and embodied in the Treaty of 26th June, 1858, as follows:—

Regulation 1.—*Pilots.*

[As amended, formed Article XXXV of the Treaty of 26th June, 1858 (No. 6).]

Regulation 2.—*Custom-House Guards.*

[As amended, formed Article XXXVI of the Treaty of 26th June, 1858 (No. 6).]

Regulation 3.—*Masters of Ships reporting themselves on Arrival.*

[As amended, formed Articles XXX and XXXVII of the Treaty of 26th June, 1858 (No. 6).]

Regulation 4.—*Commercial Dealings between English and Chinese Merchants.*

[Amended by Articles XXII and XXIII of the Treaty of 26th June, 1858 (**No. 6**)].

Regulation 5.—*Tonnage Dues.*

[Amended by Articles XXIX, XXX, and XXXI of the Treaty of 26th June, 1858 (**No. 6**).]

Regulation 6.—*Import and Export Dues.*

[Amended by Articles XXV—XXVII, XLI, XLII, XLIII, XLIV, and XLV of the Treaty of 26th June, 1858 (**No. 6**), and Tariff of 8th November, 1858 (**No. 7**). See also Tariff Agreement of 29th August, 1902 (**No. 27**).]

Regulation 7.—*Examination of Goods at Custom-Houses.*

[Amended by Articles XXXVII, XXXVIII, XXXIX, XL, XLI, XLII, XLIII, XLIV, and XLV of the Treaty of 26th June, 1858 (**No. 6**).]

Regulation 8.—*Manner of paying the Duties.*

[Amended by Articles XXV, XXXIII, and XLI of the Treaty of 26th June, 1858 (**No. 6**).]

Regulation 9.—*Weights and Measures.*

[Amended by Article XXXIV of the Treaty of 26th June, 1858 (**No. 6**). See also Agreement of 8th November, 1858 (**No. 7**), Rule 4.]

Regulation 10.—*Lighters or Cargo Boats.*

[Amended by Articles XIV and XXXI of the Treaty of 26th June, 1858 (**No. 6**).]

Regulation 11.—*Trans-shipment of Goods.*

[Amended by Article XL of the Treaty of 26th June, 1858 (**No. 6**).]

Regulation 12.—*Subordinate Consular Officers.*

[See Article VII of Treaty of 26th June, 1858 (**No. 6**).]

Regulation 13.—*Disputes between British Subjects and Chinese.*

[Amended by Articles XV, XVI, XVII, XXI, XXII, and XXIII of the Treaty of 26th June, 1858 (**No. 6**).]

Regulation 14.—*British Government Cruisers anchoring within the Ports.*

[Amended by Article LII of the Treaty of 26th June, 1858 (**No. 6**).]

Regulation 15.—*On the Security to be given for British Merchant Vessels.*

[Amended by Article XLI of the Treaty of 26th June, 1858 (**No. 6**).]

(No. 4.) *CONVENTION between Great Britain and China relative to the admission of Foreigners into the City of Canton, and to the Evacuation of the Island of Chusan by the British Forces. Signed at Bocca Tigris, 4th April,* 1846.

[This Convention was confirmed by Art. LIV of the Treaty of 26th June, 1858 (No. 6).]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, having, with a view to the settlement of all questions between the two countries, and for the preservation of mutual harmony and good understanding, appointed as their Plenipotentiaries, that is to say, Her Majesty the Queen of Great Britain and Ireland, Sir John Francis Davis, a Baronet of the United Kingdom, Governor and Commander-in-Chief of Her Majesty's colony of Hong Kong, &c., and His Majesty the Emperor of China, the High Commissioner Keying, a Member of the Imperial House, a Cabinet Councillor, a Guardian of the Crown Prince, and Governor-General of the Two Kwang Provinces;

The said Plenipotentiaries respectively have, in pursuance of the above-mentioned ends, and after communicating to each other their respective full powers, and finding them to be in good and due form, agreed upon and concluded the following Articles:

ARTICLE I.

Admission of Foreigners into City of Canton.

His Majesty the Emperor of China having, on his own part, distinctly stated that, when in the course of time mutual tranquillity shall have been insured, it will be safe and right to admit foreigners into the city of Canton, and the local authorities being for the present unable to coerce the people of that city, the Plenipotentiaries on either side mutually agree that the execution of the above measure shall be postponed to a more favourable period; but the claim of right is by no means yielded or abandoned on the part of Her Britannic Majesty.

[See Agreement of 6th April, 1847 (No 5).]

ARTICLE II.

Liberty and Protection of British Subjects outside Canton.

British subjects shall in the meanwhile enjoy full liberty and protection in the neighbourhood, on the outside of the city of Canton, within certain limits fixed according to previous Treaty, comprising 70 localities of which the names were communicated by the district magistrates to the British Consul on the 21st of

November, 1845. They may likewise make excursions on the two sides of the river, where there are not numerous villages.

[These localities were where the Proclamation was to be posted. Consul Macgregor stated (26th Nov., 1845) that "the places were not in any way to be considered as indications of the limits set to the excursion of foreigners, since such reasonable space was stipulated to be allowed to them as they might conveniently go over in one day, out and home, within the pale of their respective jurisdiction." (Sir J. Davis, No. 172, 3rd Dec., 1845.)]

ARTICLE III.

British Evacuation of Chusan. The Island never to be ceded to any other Foreign Power.

It is stipulated, on the part of His Majesty the Emperor of China, that on the evacuation of Chusan by Her Britannic Majesty's forces, the said island shall never be ceded to any other Foreign Power.

[Chusan was finally evacuated on the 25th July, 1846.]

ARTICLE IV.

British Protection of Chusan in event of hostile attack.

Her Britannic Majesty consents, upon her part, in the case of the attack of an invader, to protect Chusan and its dependencies, and to restore it to the possession of China as of old; but as this stipulation proceeds from the friendly alliance between the two nations, no pecuniary subsidies are to be due from China on this account.

ARTICLE V.

Immediate Evacuation of Chusan by British Troops.

Upon the receipt of the sign-manual of His Majesty the Emperor of China to these presents, it is agreed, on account of the distance which separates the two countries, that the Island of Chusan shall be immediately delivered over to the Chinese authorities: and on the ratification of the present Convention by Her Britannic Majesty, it shall be mutually binding on the High Contracting Powers.

Done at Bocca Tigris, and signed and sealed by the Plenipotentiaries, this 4th day of April, 1846, corresponding with the Chinese date Taoukwang, 26th year, 3rd moon, 9th day.

(L.S.) J. F. DAVIS.
(L.S.) KEYING.

(No. 5.) *AGREEMENT of the Chinese Commissioner, Keying, relative to the Entrance of British Subjects into Canton; the Trade at Honan; and the Erection of Churches at the Ports of Trade.—6th April*, 1847.

[This Agreement was confirmed by Article LIV of the Treaty of 26th June, 1858 (No. 6).]

(Translation.)

KEYING, High Imperial Commissioner, &c., sends the following reply to each of the proposed arrangements which were made yesterday officially:

Entrance of British Subjects into Canton.

1. The intention of returning my visit in the city is excellent, but the time for it ought still somewhat to be delayed. It is therefore now agreed that two years from this day's date British officers and people shall have free entrance into the city.

Punishment of Insults to Englishmen.

2. Whenever Englishmen go on shore to walk, and meet with insult, the local authorities must investigate the matter and punish [the aggressors]; and the space of one day's journey, just as at Shanghai, is also assigned at Canton [for such excursions].

3. The criminals who in October last year wounded some Englishmen have, though pursued, not yet been taken. As, however, vigilant search is made at present after them, they will soon be apprehended.

I have, on account of the assault made in March, frequently sent officers to Fuhshan to investigate and manage this affair. The deputed mandarins now report that they have already traced [the aggressors], and several of them will be caught within two or three days, and sent to the provincial city to be judged. One of our mandarins will then settle as to the place where they are to receive punishment, with an officer of your honourable country, that it may be done without loss of time.

Trade at Honan.

4. The territory of Honan is a place for trade, the renting of warehouses or of ground for building houses is therefore fully conceded. This will be managed properly by the Consul and the local authorities in accordance with the provisions of the Treaty.*

Erection of Churches at Ports of Trade.

5. According to the American and French Treaties, the building of churches in the Five Ports† is conceded, and it is therefore agreed

* See Treaty, 26th June, 1858 (No. 6), Art. XI.
† See Treaty, 29th August, 1842 (No. 1), Art. II.

upon that a spot in the neighbourhood of the foreign factories, outside of them, may be rented for erecting one.

[See also Treaty of 26th June, 1858 (**No. 6**), Articles XI and XII.]

Whampoa Cemetery.

It is a laudable act to rent ground at Whampoa for making graves, and likewise in conformity with the Treaty. The Consul in conjunction with the local authorities will settle this matter properly according to the Treaty.

Building of a Bridge, &c., at Whampoa.

6. I have already given orders to the old Hong merchant to carry into effect [the affairs about the building of the bridge and cookhouse], and shall urge him to do this properly.

Canton River to be kept clear of Boats.

7. The 7th Article is proposed with a view of preventing the creating of disturbance between the mariners of our respective countries, and hence the river [before the foreign factories] must be kept clear [of boats]. We shall therefore order the officers of that station to drive away [the boats] from time to time.

The above 7 propositions are now all agreed upon; and I submit this clear reply to the consideration of you, the Honourable Envoy, addressing the same.

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir John F. Davis, Bart., &c.

Taoukwang, 27th year, 2nd month, 21st day. (April 6, 1847.)

(**No. 6.**) *TREATY of PEACE, FRIENDSHIP, and COMMERCE, between Great Britain and China. Signed at Tientsin, 26th June,* 1858.

[Signed also in Chinese.]

[Ratifications exchanged at Peking, October 24, 1860.*]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, being

* The British Representative, on his passage up the Pei-ho to exchange the Ratifications of this Treaty, was obstructed by an act of the Garrison of Taku; an attempt was made by the British and French troops to force a passage up the Pei-ho, but it was successfully resisted by the Chinese, June 24, 1859; a joint expedition was in consequence fitted out from England and France, which sailed for China, March 8, 1860. The Taku forts, at the mouth of the Pei-ho, were captured by the British and French troops, August 23, 1860, which then marched on to Peking, and were about to open fire on the City, when the Chinese granted all their demands. A Convention was signed on the 24th October, 1860 (**No. 8**), ratifying the Treaty of Tientsin of June 26, 1858, and embodying other subjects, including an apology for the insult offered by the garrison at Taku. See Final Protocol of 7th September, 1901 (**No. 26**), Article VIII, as to the razing of the Taku forts.

desirous to put an end to the existing misunderstanding between the two countries, and to place their relations on a more satisfactory footing in future, have resolved to proceed to a revision and improvement of the Treaties existing between them; and, for that purpose, have named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of Great Britain and Ireland, the Right Honourable the Earl of Elgin and Kincardine, &c.;

And His Majesty the Emperor of China, the High Commissioners Kweiliang, a Senior Chief Secretary of State, &c.; and Hwashana, one of His Imperial Majesty's Expositors of the Classics, &c.;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Confirmation of Treaty of 29th August, 1842.

The Treaty of Peace and Amity between the two nations, signed at Nanking on the 29th day of August, in the year 1842 (**No. 1**), is hereby renewed and confirmed.

Abrogation of Trade Regulations of July, 1843, *and of Supplementary Treaty of October*, 1843.

The Supplementary Treaty and General Regulations of Trade having been amended and improved, and the substance of their provisions having been incorporated in this Treaty, the said Supplementary Treaty and General Regulations of Trade are hereby abrogated.

ARTICLE II.

Appointment of Ambassadors, &c.

For the better preservation of harmony in future, Her Majesty the Queen of Great Britain and His Majesty the Emperor of China mutually agree that, in accordance with the universal practice of great and friendly nations, Her Majesty the Queen may, if she see fit, appoint Ambassadors, Ministers, or other Diplomatic Agents to the Court of Peking; and His Majesty the Emperor of China may, in like manner, if he see fit, appoint Ambassadors, Ministers, or other Diplomatic Agents to the Court of St. James'.

ARTICLE III.

Residence of British Representative at Peking.

His Majesty the Emperor of China hereby agrees, that the Ambassador, Minister, or other Diplomatic Agent, so appointed by Her Majesty the Queen of Great Britain, may reside, with his family and establishment, permanently at the capital, or may visit it occasionally, at the option of the British Government.

[Confirmed by Article II of Convention of 24th October, 1860 (**No. 8**).]

Ceremonial, &c.

He shall not be called upon to perform any ceremony derogatory to him as representing the Sovereign of an independent nation, on a footing of equality with that of China. On the other hand, he shall use the same forms of ceremony and respect to His Majesty the Emperor as are employed by the Ambassadors, Ministers, or Diplomatic Agents of Her Majesty towards the Sovereigns of independent and equal European nations.

[Correspondence respecting the Audience granted to Her Majesty's Minister and the other Foreign Representatives at Peking by the Emperor of China in 1873, was laid before Parliament in 1874. [C. 902.] "State Papers," Vol. 65, page 657. See also Final Protocol of 7th September, 1901 (**No. 26**), Article XII.]

Right of British Government to hire Houses, &c., at Peking.

It is further agreed, that Her Majesty's Government may acquire at Peking a site for building, or may hire houses for the accommodation of Her Majesty's mission, and that the Chinese Government will assist it in so doing.

Right of British Representative to choose his own Servants, &c.

Her Majesty's Representative shall be at liberty to choose his own servants and attendants, who shall not be subjected to any kind of molestation whatever.

Non-Molestation of British Representative or his Suite.

Any person guilty of disrespect or violence to Her Majesty's Representative, or to any member of his family or establishment, in deed or word, shall be severely punished.

ARTICLE IV.

Rights and Privileges of British Representative.

It is further agreed, that no obstacle or difficulty shall be made to the free movements of Her Majesty's Representative, and that he, and the persons of his suite, may come and go, and travel at their pleasure. He shall, moreover, have full liberty to send and receive his correspondence, to and from any point on the sea-coast that he may select; and his letters and effects shall be held sacred and inviolable. He may employ, for their transmission, special couriers, who shall meet with the same protection and facilities for travelling as the persons employed in carrying despatches for the Imperial Government; and, generally, he shall enjoy the same privileges as are accorded to officers of the same rank by the usage and consent of Western nations.

Expenses of Mission to be borne by British Government.

All expenses attending the Diplomatic Mission of Great Britain in China shall be borne by the British Government.

ARTICLE V.

Transaction of Business between British Representative and Chinese Government.

His Majesty the Emperor of China agrees to nominate one of the Secretaries of State, or a President of one of the Boards, as the high officer with whom the Ambassador, Minister, or other Diplomatic Agent of Her Majesty the Queen, shall transact business, either personally or in writing, on a footing of perfect equality.

[See also Agreement of 13th Sept., 1876, respecting Official Intercourse, (No. 12).]

ARTICLE VI.

Privileges of Chinese Ambassadors, &c., in Great Britain.

Her Majesty the Queen of Great Britain agrees that the privileges hereby secured shall be enjoyed in her dominions by the Ambassadors, Ministers, or Diplomatic Agents of the Emperor of China, accredited to the Court of Her Majesty.

ARTICLE VII.

Appointment of Consuls. Their Rights and Privileges.

Her Majesty the Queen may appoint one or more Consuls in the dominions of the Emperor of China; and such Consul or Consuls shall be at liberty to reside in any of the open ports or cities of China as Her Majesty the Queen may consider most expedient for the interests of British commerce. They shall be treated with due respect by the Chinese authorities, and enjoy the same privileges and immunities as the Consular officers of the most favoured nation.

Consuls and Vice-Consuls in charge shall rank with Intendents of Circuits; Vice-Consuls, Acting Vice-Consuls, and Interpreters, with Prefects. They shall have access to the official residences of these officers, and communicate with them, either personally or in writing, on a footing of equality, as the interests of the public service may require.

[See also Article XI, and Agreement, 10th December, 1880 (No. 13).]

ARTICLE VIII.

Religious Toleration.

The Christian religion, as professed by Protestants or Roman Catholics, inculcates the practice of virtue, and teaches man to do as he would be done by. Persons teaching or professing it, there-

fore, shall alike be entitled to the protection of the Chinese authorities, nor shall any such, peaceably pursuing their calling, and not offending against the law, be persecuted or interfered with.

[On the 9th February, 1871, a Circular was issued by the Chinese Government relating to Missionaries, which was laid before Parliament in 1872, together with the Correspondence which had passed upon the subject. [C. 468]. See also INDEX for other references to Missionaries.]

ARTICLE IX.

Passports.

British subjects are hereby authorized to travel, for their pleasure or for purposes of trade, to all parts of the interior, under passports which will be issued by their Consuls, and countersigned by the local authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons or hiring vessels for the carriage of his baggage or merchandise. If he be without a passport, or if he commit any offence against the law, he shall be handed over to the nearest Consul for punishment, but he must not be subjected to any ill-usage in excess of necessary restraint. No passport need be applied for by persons going on excursions from the ports open to trade to a distance not exceeding 100 *li*, and for a period not exceeding 5 days.

The provisions of this Article do not apply to crews of ships, for the due restraint of whom regulations will be drawn up by the Consul and the local authorities.

To Nanking, and other cities disturbed by persons in arms against the Government, no pass shall be given, until they shall have been recaptured.

[See Agreement of 8th November, 1858 (**No. 7**), Rule 8, excepting Peking from Regulations respecting Passports, and Rule 5, respecting Opium.]

ARTICLE X.

Trade on the River Yang-tsze. Port of Chinkiang to be opened to Trade.

British merchant ships shall have authority to trade upon the Great River (Yang-tsze). The Upper and Lower Valley of the river being, however, disturbed by outlaws, no port shall be for the present open to trade, with the exception of Chinkiang, which shall be opened in a year from the date of the signing of this Treaty.

Other Ports on the Yang-tsze to be opened.

So soon as peace shall have been restored, British vessels shall also be admitted to trade at such ports as far as Hankow, not exceeding 3 in number, as the British Minister, after consulta-

tion with the Chinese Secretary of State, may determine shall be ports of entry and discharge.

[Hankow and Kiukiang were selected, by arrangement with the Chinese Government in November, 1860, as Ports to be opened to trade under this Article.]

ARTICLE XI.

Ports of Newchwang, Chefoo, Taiwan (Formosa), Swatow, and Kiungchow (Hainan) opened to Trade.

In addition to the cities and towns of Canton, Amoy, Foochow, Ningpo, and Shanghai, opened by the Treaty of Nanking (**No. 1**),* it is agreed that British subjects may frequent the cities and ports of Newchwang, Tangchow (Chefoo),† Taiwan (Formosa), Chao-Chow (Swatow),‡ and Kiungchow (Hainan). [See **No. 11**, Art. VI.]

They are permitted to carry on trade with whomsoever they please, and to proceed to and fro at pleasure with their vessels and merchandise.

Rent of Houses, Churches, Hospitals, Cemeteries, &c.

They shall enjoy the same privileges, advantages, and immunities, at the said towns and ports, as they enjoy at the ports already opened to trade, including the right of residence, of buying or renting houses, of leasing land therein, and of building churches, hospitals, and cemeteries.

ARTICLE XII.

Rent of Houses, Churches, Hospitals, Burial-Grounds, &c.

British subjects, whether at the ports or at other places, desiring to build or open houses, warehouses, churches, hospitals, or burial-grounds, shall make their agreement for the land or buildings they require, at the rates prevailing among the people, equitably, and without exactions on either side.

[See Agreement, 13th Sept., 1876, respecting Foreign Settlement Areas (**No. 12**).]

ARTICLE XIII.

Employment of Chinese by British Subjects.

The Chinese Government will place no restrictions whatever upon the employment, by British subjects, of Chinese subjects in any lawful capacity.

ARTICLE XIV.

Hire of Boats by British Subjects. No Monopoly. Smuggling.

British subjects may hire whatever boats they please for the transport of goods or passengers, and the sum to be paid for such

* Art. II, page 7. † Chefoo is the port actually opened.
‡ Swatow is the port actually opened.

boats shall be settled between the parties themselves, without the interference of the Chinese Government. The number of these boats shall not be limited, nor shall a monopoly in respect either of the boats, or of the porters or coolies engaged in carrying the goods, be granted to any parties. If any smuggling takes place in them, the offenders will, of course, be punished according to law.

ARTICLE XV.

Jurisdiction of British Authorities in Questions affecting British Subjects.

All questions in regard to rights, whether of property or person, arising between British subjects, shall be subject to the jurisdiction of the British authorities.

[See British Orders in Council of 24th October, 1904 (**No. 156**), and 11th February, 1907 (**No. 169**).]

ARTICLE XVI.

Administration of Justice. British Consular Jurisdiction in case of Crimes committed by British Subjects.

Chinese subjects who may be guilty of any criminal act towards British subjects shall be arrested and punished by the Chinese authorities, according to the laws of China.

British subjects who may commit any crime in China shall be tried and punished by the Consul, or other public functionary authorized thereto, according to the laws of Great Britain.

Justice shall be equitably and impartially administered on both sides.

["British functionary authorized thereto" translated in the Chinese text "British Government." See Agreement 13th Sept., 1876 (**No. 12**), Section II, § 2. For meaning of words "hui t'ung," indicating combined action, see Section II, § 3 of same Agreement. See also British Orders in Council of 24th October, 1904 (**No. 156**), and 11th February, 1907 (**No. 169**). See also Treaty of 5th September, 1902 (**No. 28**), Article XII.]

ARTICLE XVII.

Disputes between British Subjects and Chinese. Consular Intervention.

A British subject having reason to complain of a Chinese, must proceed to the Consulate, and state his grievance. The Consul will inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner, if a Chinese have reason to complain of a British subject, the Consul shall no less listen to his complaint, and endeavour to settle it in a friendly manner. If disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of the Chinese authorities, that they may together examine into the merits of the case, and decide it equitably.

ARTICLE XVIII.

Protection of British Persons and Property.

The Chinese authorities shall at all times afford the fullest protection to the persons and property of British subjects, whenever these shall have been subjected to insult or violence. In all cases of incendiarism or robbery, the local authorities shall at once take the necessary steps for the recovery of the stolen property, the suppression of disorder, and the arrest of the guilty parties, whom they will punish according to law.

ARTICLE XIX.

Pirates.

If any British merchant vessel, while within Chinese waters, be plundered by robbers or Pirates, it shall be the duty of the Chinese authorities to use every endeavour to capture and punish the said robbers or Pirates, and to recover the stolen property, that it may be handed over to the Consul for restoration to the owner.

ARTICLE XX.

Wrecks, &c.

If any British vessel be at any time wrecked or stranded on the coast of China, or be compelled to take refuge in any port within the dominions of the Emperor of China, the Chinese authorities, on being apprised of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and shall be furnished, if necessary, with the means of conveyance to the nearest Consular station.

ARTICLE XXI.*

Surrender of Fugitive Criminals between China and Hong Kong.

If criminals, subjects of China, shall take refuge in Hong Kong, or on board the British ships there, they shall upon due requisition by the Chinese authorities, be searched for, and, on proof of their guilt, be delivered up.

In like manner, if Chinese offenders take refuge in the houses or on board the vessels of British subjects at the open ports, they shall not be harboured or concealed, but shall be delivered up, on due requisition by the Chinese authorities, addressed to the British Consul.

* The construction of this Article came under the consideration of the Judicial Committee of the Privy Council in the appeal case of the Attorney-General of Hong Kong v. Kwok Asing. (5 Law Rep. Priv. Co. 179. See also Parliamentary Paper 1866, No. 120). Notes were exchanged between Sir Rutherford Alcock and the Chinese Government in April—May, 1866, providing for the abolition of torture on the execution of Chinese criminals, in the event of their extradition. See also Hong Kong Ordinances of 1889 and 1897 (Nos. 178 and 184).

ARTICLE XXII.

British and Chinese fraudulent Debtors.

Should any Chinese subject fail to discharge debts incurred to a British subject, or should he fraudulently abscond, the Chinese authorities will do their utmost to effect his arrest, and enforce recovery of the debts. The British authorities will likewise do their utmost to bring to justice any British subject fraudulently absconding or failing to discharge debts incurred by him to a Chinese subject.

ARTICLE XXIII.

Debts incurred by Chinese at Hong Kong.

Should natives of China who may repair to Hong Kong to trade incur debts there, the recovery of such debts must be arranged for by the English Courts of Justice on the spot; but should the Chinese debtor abscond, and be known to have property, real or personal, within the Chinese territory, it shall be the duty of the Chinese authorities, on application by, and in concert with, the British Consul, to do their utmost to see justice done between the parties.

ARTICLE XXIV.

Most-favoured-nation Treatment in respect to Imports and Exports.

It is agreed that British subjects shall pay, on all merchandise imported or exported by them, the duties prescribed by the Tariff, but in no case shall they be called upon to pay other or higher duties than are required of the subjects of any other foreign nation.

ARTICLE XXV.

Payment of Import and Export Duties.

Import duties shall be considered payable on the landing of the goods, and duties of export on the shipment of the same.

ARTICLE XXVI.

Revision of Tariff.

Whereas the Tariff fixed by Article X of the Treaty of Nanking,* and which was estimated so as to impose on imports and exports a duty at about the rate of 5 per cent. *ad valorem*, has been found, by reason of the fall in value of various articles of merchandise, therein enumerated, to impose a duty upon these, considerably in excess of the rate originally assumed as above to be a fair rate, it is agreed that the said Tariff shall be revised, and that as soon as the Treaty shall have been signed, application shall

* 29th August, 1842 (No. 1).

be made to the Emperor of China to depute a high officer of the Board of Revenue to meet, at Shanghai, officers to be deputed on behalf of the British Government, to consider its revision together, so that the Tariff, as revised, may come into operation immediately after the ratification of this Treaty.

[See Agreement of 8th November, 1858 (**No. 7**), and Tariff annexed thereto. See also Tariff Agreement of 29th August, 1902 (**No. 27**).]

ARTICLE XXVII.

Duration and Revision of Treaty and Tariff.

It is agreed that either of the High Contracting Parties to this Treaty may demand a further revision of the Tariff, and of the Commercial Articles of this Treaty, at the end of 10 years; but if no demand be made on either side within 6 months after the end of the first 10 years, then the Tariff shall remain in force for 10 years more, reckoned from the end of the preceding 10 years; and so it shall be, at the end of each successive period of 10 years.

[A Supplementary Convention was signed by Sir Rutherford Alcock and the Chinese Authorities on the 23rd October, 1869 (**No. 11**), but it was not ratified. See "Hansard Debates," vol. 202 (1870), p. 1624.]

ARTICLE XXVIII.

Transit Dues.

Whereas it was agreed in Article X of the Treaty of Nanking,* that British imports, having paid the Tariff duties, should be conveyed into the interior free of all further charges, except a transit duty, the amount whereof was not to exceed a certain percentage on tariff value; and whereas no accurate information having been furnished of the amount of such duty, British merchants have constantly complained that charges are suddenly and arbitrarily imposed by the provincial authorities as transit duties upon produce on its way to the foreign market, and on imports on their way into the interior, to the detriment of trade; it is agreed that within 4 months from the signing of this Treaty, at all ports now open to British trade, and within a similar period to all ports that may hereafter be opened, the authority appointed to superintend the collection of duties shall be obliged, upon application of the Consul, to declare the amount of duties leviable on produce between the place of production and the port of shipment, and upon imports between the Consular port in question and the inland markets named by the Consul; and that a notification thereof shall be published in English and Chinese for general information.

But it shall be at the option of any British subject, desiring to convey produce purchased inland to a port, or to convey imports from a port to an inland market, to clear his goods of all transit

* 29th August, 1842 (**No. 1.**)

duties, by payment of a single charge. The amount of this charge shall be leviable on exports at the first barrier they may have to pass, or, on imports, at the port at which they are landed; and on payment thereof, a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever.

It is further agreed that the amount of this charge shall be calculated, as nearly as possible, at the rate of two and a half per cent. *ad valorem*, and that it shall be fixed for each article at the Conference to be held at Shanghai for the revision of the Tariff.

It is distinctly understood, that the payment of transit dues, by commutation or otherwise, shall in no way affect the Tariff duties on imports or exports, which will continue to be levied separately and in full.

[See Agreement of 8th November, 1858 (**No. 7**), Rule 5, respecting Opium, &c., and Rule 7, respecting Transit dues. See also Treaty of 5th September, 1902 (**No. 28**), Art. VIII.]

ARTICLE XXIX.

Tonnage Dues.

British merchant-vessels, of more than 150 tons burden, shall be charged tonnage dues at the rate of 4 mace per ton; if of 150 tons and under, they shall be charged at the rate of one mace per ton.

Special Certificate to Vessels clearing from one Chinese Port to another Chinese Port and for Hong Kong.

Any vessel clearing from any of the open ports of China for any other of the open ports, or for Hong Kong, shall be entitled, on application of the master, to a special certificate from the Customs, on exhibition of which she shall be exempted from all further payment of tonnage dues in any open port of China, for a period of 4 months, to be reckoned from the date of her port clearance.

ARTICLE XXX.

Tonnage Dues. Exemption from Payment in certain cases.

The master of any British merchant-vessel may, within 48 hours after the arrival of his vessel, but not later, decide to depart without breaking bulk, in which case he will not be subject to pay tonnage dues. But tonnage dues shall be held due after the expiration of the said 48 hours. No other fees or charges upon entry or departure shall be levied.

[See Agreement of 8th November, 1858 (**No. 7**), Rule 6.]

ARTICLE XXXI.

Exemption of certain British Boats from Tonnage Dues.

No tonnage dues shall be payable on boats employed by British subjects in the conveyance of passengers, baggage, letters, articles

of provisions, or other articles not subject to duty, between any of the open ports. All cargo boats, however, conveying merchandise subject to duty shall pay tonnage dues once in 6 months at the rate of 4 mace per register ton.

ARTICLE XXXII.

Buoys, Beacons, Lighthouses, &c.

The Consuls and Superintendents of Customs shall consult together regarding the erection of beacons or lighthouses, and the distribution of buoys and light-ships, as occasion may demand.

ARTICLE XXXIII.

Payment of Duties in Sycee or Foreign Money.

Duties shall be paid to the bankers, authorized by the Chinese Government to receive the same in its behalf, either in sycee or in foreign money, according to the assay made at Canton on the 13th of July, 1843.

ARTICLE XXXIV.

Standard Weights and Measures to be deposited at each Consulate.

Sets of standard weights and measures, prepared according to the standard issued to the Canton Custom-House by the Board of Revenue, shall be delivered by the Superintendent of Customs to the Consul at each port, to secure uniformity and prevent confusion.

[See also Agreement of 8th November, 1858 (No. 7), Rule 4.]

ARTICLE XXXV.

Pilots.

Any British merchant-vessel arriving at one of the open ports, shall be at liberty to engage the services of a Pilot to take her into port. In like manner, after she has discharged all legal dues and duties, and is ready to take her departure, she shall be allowed to select a Pilot to conduct her out of port.

ARTICLE XXXVI.

Custom-House Guards.

Whenever a British merchant-vessel shall arrive off one of the open ports, the Superintendent of Customs shall depute one or more Customs officers to guard the ship. They shall either live in a boat of their own, or stay on board the ship, as may best suit their convenience. Their food and expenses shall be supplied them from the Custom-House, and they shall not be entitled to

any fees whatever from the master or consignee. Should they violate this regulation, they shall be punished proportionately to the amount exacted.

ARTICLE XXXVII.

Liability of Vessels entering Port.

Within 24 hours after arrival, the ship's papers, bills of lading, &c., shall be lodged in the hands of the Consul, who will, within a further period of 24 hours, report to the Superintendent of Customs, the name of the ship, her register tonnage, and the nature of her cargo. If, owing to neglect on the part of the master, the above rule is not complied with within 48 hours after the ship's arrival, he shall be liable to a fine of 50 taels for every day's delay; the total amount of penalty, however, shall not exceed 200 taels.

[See also Agreement of 8th November, 1858 (**No. 7**), Rule 6.]

Ships' Manifests and Bills of Lading.

The master will be responsible for the correctness of the manifest, which shall contain a full and true account of the particulars of the cargo on board. For presenting a false manifest, he will subject himself to a fine of 500 taels; but he will be allowed to correct, within 24 hours after delivery of it to the Customs officers, any mistake he may discover in his manifest, without incurring this penalty.

[See also Agreement of 8th November, 1858 (**No. 7**), Rule 6.]

ARTICLE XXXVIII.

Permit to open Hatches and discharge Goods.

After receiving from the Consul the report in due form, the Superintendent of Customs shall grant the vessel a permit to open hatches. If the master shall open hatches and begin to discharge any goods without such permission, he shall be fined 500 taels, and the goods discharged shall be confiscated wholly.

ARTICLE XXXIX.

Permits to Land and Ship Cargoes.

Any British merchant who has cargo to land or ship, must apply to the Superintendent of Customs for a special permit. Cargo landed or shipped without such permit will be liable to confiscation.

ARTICLE XL.

Trans-shipments.

No trans-shipments from one vessel to another can be made without special permission, under pain of confiscation of the goods so trans-shipped.

ARTICLE XLI.

Port-clearances.

When all dues and duties shall have been paid, the Superintendent of Customs shall give a port-clearance, and the Consul shall then return the ship's papers, so that she may depart on her voyage.

ARTICLE XLII.

Mode of levying ad valorem *Duties.*

With respect to articles subject, according to the Tariff, to an *ad valorem* duty, if the British merchant cannot agree with the Chinese officer in fixing a value, then each party shall call two or three merchants to look at the goods, and the highest price at which any of these merchants would be willing to purchase them, shall be assumed as the value of the goods.

[See also Agreement of 8th November, 1858 (No. 7), Rule 1.]

ARTICLE XLIII.

Mode of levying Duties on Goods.

Duties shall be charged upon the net weight of each article, making a deduction for the tare, weight of congee, &c. To fix the tare on any article such as tea, if the British merchant cannot agree with the Custom-House officer, then each party shall choose so many chests out of every 100, which being first weighed in gross, shall afterwards be tared, and the average tare upon these chests shall be assumed as the tare upon the whole; and upon this principle shall the tare be fixed upon all other goods in packages. If there should be any other points in dispute which cannot be settled, the British merchant may appeal to his Consul, who will communicate the particulars of the case to the Superintendent of Customs, that it may be equitably arranged. But the appeal must be made within 24 hours, or it will not be attended to. While such points are still unsettled, the Superintendent of Customs shall postpone the insertion of the same in his books.

ARTICLE XLIV.

Reduction of Duty on Damaged Goods.

Upon all damaged goods a fair reduction of duty shall be allowed, proportionate to their deterioration. If any disputes arise, they shall be settled in the manner pointed out in the clause of this Treaty having reference to articles which pay duty *ad valorem*.

ARTICLE XLV.

Re-exportation of Duty-paid Goods.

British merchants who may have imported merchandise into any of the open ports and paid the duty thereon, if they desire to re-export the same, shall be entitled to make application to the Superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods, as entered in the Custom-House books, correspond with the representation made, and that the goods remain with their original marks unchanged. He shall then make a memorandum on the port-clearance of the goods and of the amount of duties paid, and deliver the same to the merchant; and shall also certify the facts to the officers of Customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, everything being found on examination there to correspond, she shall be permitted to break bulk, and land the said goods, without being subject to the payment of any additional duty thereon. But if, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to confiscation by the Chinese Government.

*Drawback Certificates.**

British merchants desiring to re-export duty-paid imports to a foreign country, shall be entitled, on complying with the same conditions as in the case of re-exportation to another port in China, to a drawback certificate, which shall be a valid tender to the Customs in payment of import or export duties.

Foreign Grain.

Foreign grain brought into any port of China in a British ship, if no part thereof has been landed, may be re-exported without hindrance.

ARTICLE XLVI.

Preventions against Fraud and Smuggling.

The Chinese authorities at each port shall adopt the means they may judge most proper to prevent the revenue suffering from Fraud or Smuggling.

[See Note, page 52.]

ARTICLE XLVII.

British Vessels trading with Ports not opened by Treaty liable to Confiscation.

British merchant vessels are not entitled to resort to other than the ports of trade declared open by this Treaty. They are not

* See Chefoo Agreement, 13th September, 1876 (**No. 12**), Section III, Clause 5; and Treaty of 5th September, 1902 (**No. 28**), Art I.

unlawfully to enter other ports in China, or to carry on clandestine trade along the coasts thereof. Any vessel violating this provision, shall, with her cargo, be subject to confiscation by the Chinese Government.

ARTICLE XLVIII.

Goods on British Vessels found concerned in Smuggling liable to Confiscation.

If any British merchant vessel be concerned in Smuggling, the goods, whatever their value or nature, shall be subject to confiscation by the Chinese authorities, and the ship may be prohibited from trading further, and sent away as soon as her accounts shall have been adjusted and paid.

ARTICLE XLIX.

Penalties and Confiscations to belong to Chinese Government.

All penalties enforced, or confiscations made, under this Treaty, shall belong and be appropriated to the public service of the Government of China.

ARTICLE L.

Language to be employed in Official Communications.

All official communications, addressed by the Diplomatic and Consular Agents of Her Majesty the Queen to the Chinese authorities, shall, henceforth, be written in English. They will for the present be accompanied by a Chinese version, but it is understood that, in the event of there being any difference of meaning between the English and Chinese text, the English Government will hold the sense as expressed in the English text to be the correct sense. This provision is to apply to the Treaty now negotiated, the Chinese text of which has been carefully corrected by the English original.

ARTICLE LI.

The Chinese character "I" 夷 (barbarian) not to be applied to the British Government or to British Subjects.

It is agreed, that henceforth the character "I" 夷 (barbarian) shall not be applied to the Government or subjects of Her Britannic Majesty in any Chinese official document issued by the Chinese authorities in the capital or in the provinces.

ARTICLE LII.

Facilities to be granted to British Ships of War. Piracy, &c.

British ships of war coming for no hostile purpose, or being engaged in the pursuit of Pirates, shall be at liberty to visit all ports within the dominions of the Emperor of China, and shall receive every facility for the purchase of provisions, procuring water, and, if occasion require, for the making of repairs. The Commanders of such ships shall hold intercourse with the Chinese authorities on terms of equality and courtesy.

ARTICLE LIII.

Measures to be taken for Suppression of Piracy.

In consideration of the injury sustained by native and foreign commerce from the prevalence of Piracy in the seas of China, the High Contracting Parties agree to concert measures for its suppression.

ARTICLE LIV.

Confirmation of previous Treaties. Most-favoured-nation Treatment conferred on British Subjects.

The British Government and its subjects are hereby confirmed in all privileges, immunities, and advantages conferred on them by previous Treaties: and it is hereby expressly stipulated that the British Government and its subjects will be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China to the Government or subjects of any other nation. (See **No. 11**, Art. I.)

ARTICLE LV.

A separate Article to be agreed upon, providing for the Indemnity to be paid for Losses, &c., of British Subjects at Canton.

[A separate Article on this subject was agreed upon, but it was annulled by the Convention of 24th October, 1860 (**No. 8**).]

ARTICLE LVI.

Ratifications.

The ratifications of this Treaty, under the hand of Her Majesty the Queen of Great Britain and Ireland, and His Majesty the Emperor of China, respectively, shall be exchanged at Peking, within a year from this day of signature.

[See Articles I and VII of Convention of 24th October, 1860 (**No. 8**).]

In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Tientsin, this 26th day of June, in the year of our Lord, 1858; corresponding with the Chinese date, the 16th day, 5th moon, of the 8th year of Hien Fung.

(L.S.) ELGIN AND KINCARDINE.

Signature of 1st Chinese Plenipotentiary.

Signature of 2nd Chinese Plenipotentiary.

Seal of the Chinese Plenipotentiaries.

SEPARATE ARTICLE.—*Payment of Chinese Indemnity,* 2,000,000 *Taels, for Losses of British Subjects at Canton; and a further sum of* 2,000,000 *Taels for Expenses of British Expedition to China.*

[Annulled, and a further Indemnity engaged to be paid by China, by Article III of the Convention of 24th October, 1860 (**No. 8**).]

(**No. 7.**) *AGREEMENT containing Rules of Trade, made in pursuance of Article XXVI of the Treaty of 26th June,* 1858. (*Tariff annexed.*) *Signed at Shanghai, 8th November,* 1858.*

WHEREAS it was provided by the Treaty of Tientsin (**No. 6,** Article XXVI) that a Conference should be held at Shanghai between officers deputed by the British Government on the one part, and by the Chinese Government on the other part, for the purpose of determining the amount of tariff duties and transit dues to be henceforth levied, a Conference has been held accordingly; and its proceedings have been submitted to the Right Honourable the Earl of Elgin and Kincardine, High Commissioner and Plenipotentiary of Her Britannic Majesty the Queen, on the one part; and to Kweiliang, Hwashana, Ho Kweitsing, Mingshen, and Twau Ching-Shih, High Commissioners and Plenipotentiaries of His Imperial Majesty the Emperor, on the other part; these high officers have agreed and determined upon the revised Tariff hereto appended, the rate of transit dues therewith declared, together with other rules and regulations for the better explanation of the Treaty aforesaid; and do hereby agree that the said tariff and rules—the latter being in 10 Articles thereto appended—shall be equally binding on the Governments and subjects of both countries with the Treaty itself.

In witness whereof, they hereto affix their seals and signatures.

* See Tariff Agreement of 29th August, 1902 (**No. 27**), and Rules annexed thereto.

[Rules of Trade.]

Rule 1.—*Unenumerated Goods.*

Articles not enumerated in the list of exports, but enumerated in the list of imports, when exported will pay the amount of duty set against them in the list of imports; and similarly, articles not enumerated in the list of imports, but enumerated in the list of exports, when imported, will pay the amount of duty set against them in the list of exports.

Articles not enumerated in either list, nor in the list of duty-free goods, will pay an *ad valorem* duty of 5 per cent., calculated on their market value.

[See also Treaty of 26th June, 1858 (**No. 6**), Article XLII, and Tariff Agreement of 29th August, 1902 (**No. 27**), Rule 1.]

Rule 2.—*Duty-Free Goods.*

Gold and silver bullion, foreign coins, flour, Indian meal, sago, biscuit, preserved meats and vegetables, cheese, butter, confectionery, foreign clothing, jewellery, plated ware, perfumery, soap of all kinds, charcoal, fire wood, candles (foreign), tobacco (foreign), cigars (foreign), wine, beer, spirits, household stores, ships' stores, personal baggage, stationery, carpeting, druggeting, cutlery, foreign medicines, and glass and crystal ware.

The above pay no import or export duty: but if transported into the interior, will, with the exception of personal baggage, gold and silver bullion, and foreign coins, pay a transit duty at the rate of two and a-half per cent. *ad valorem.*

A freight or part freight of duty-free commodities (personal baggage, gold and silver bullion, and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

[See Tariff Agreement of 29th August, 1902 (**No. 27**), Rule 2.]

Rule 3.—*Contraband Goods.*

Import and export trade is alike prohibited in the following articles: gunpowder, shot, cannon, fowling-pieces, rifles, muskets, pistols, and all other munitions and implements of war; and salt.

[See Tariff Agreement of 29th August, 1902 (**No. 27**), Rule 3.]

Rule 4.—*Weights and Measures.*

In the calculations of the tariff, the weight of a pecul of 100 catties is held to be equal to 133⅓ pounds avoirdupois; and the length of a *chang* of 10 Chinese feet, to be equal to 141 English inches.

One Chinese *chih* is held to equal $14\frac{1}{10}$ inches English; and 4 yards English, less 3 inches, to equal 1 *chang.*

Rule 5.—*Regarding certain Commodities heretofore Contraband.*

The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre, and spelter, are relaxed, under the following conditions:—

[Rules of Trade.]

1.* *Opium* will henceforth pay 30 taels per pecul import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provisions of Article IX of the Treaty of Tientsin (**No. 6**) by which British subjects are authorized to proceed into the interior with passports to trade, will not extend to it, nor will those of Article XXVIII of the same Treaty (**No. 6**), by which the transit dues are regulated; the transit dues on it will be arranged as the Chinese Government see fit: nor in future revisions of the Tariff, is the same rule of revision to be applied to opium as to other goods.

2. *Copper Cash.* The export of cash to any foreign port is prohibited; but it shall be lawful for British subjects to ship it at one of the open ports of China to another, on compliance with the following regulation. The shipper shall give notice of the amount of cash he desires to ship, and the port of its destination, and shall bind himself, either by a bond with two sufficient sureties, or by depositing such other security as may be deemed by the Customs satisfactory, to return, within 6 months from the date of clearance, to the collector at the port of shipment, the certificate issued by him, with an acknowledgment thereon of the receipt of the cash at the port of destination, by the collector at that port, who shall thereto affix his seal; or, failing the production of the certificate, to forfeit a sum equal in value to the cash shipped. Cash will pay no duty inwards or outwards; but a freight or part freight of cash, though no other cargo be on board, will render the vessel carrying it liable to pay tonnage dues.

3.† The export of rice and all other grain whatsoever, native or foreign, no matter where grown or whence imported, to any foreign port, is prohibited; but these commodities may be carried by British merchants from one of the open ports of China to another, under the same conditions in respect of security as cash, on payment at the port of shipment of the duty specified in the tariff.

No import duty will be leviable upon rice or grain; but a freight or part freight of rice or grain, though no other cargo be on board, will render the vessel importing it liable to tonnage dues.

4.‡ *Pulse.*—The export of pulse and bean-cake from Tangchow§ and Newchwang, under the British flag, is prohibited. From any other of the open ports they may be shipped, on payment of the Tariff duty, either to other ports of China or to foreign countries.

5.‖ Saltpetre, sulphur, brimstone, and spelter, being munitions of war, shall not be imported by British subjects, save at the requisition of the Chinese Government, or for sale to Chinese duly authorized to purchase them. No permit to land them will be

* See Chefoo Agreement, 13th September, 1876 (**No. 12**), Section III, Clause 3; and Additional Article, 18th July, 1885 (**No. 14**).

† See Treaty of 5th September, 1902 (**No. 28**), Article XIV.

‡ Abrogated by agreement with the Chinese Government as notified by the British Minister, 24th March, 1862 (Mayers).

§ Chefoo was opened in the place of Tangchow. See page 23.

‖ See Tariff of 1902 (**No. 27**), and Rule 3, thereto annexed.

issued until the Customs have proof that the necessary authority has been given to the purchaser. It shall not be lawful for British subjects to carry these commodities up the Yang-tsze-kiang, or into any port other than those open on the seaboard, nor to accompany them into the interior on behalf of Chinese. They must be sold at the ports only; and except at the ports they will be regarded as Chinese property.

Infractions of the conditions, as above set forth, under which trade in opium, cash, grain, pulse, saltpetre, brimstone, sulphur, and spelter, may be henceforward carried on, will be punishable by confiscation of all the goods concerned.

Rule 6.—*Liability of Vessels entering Port.*

To the prevention of misunderstanding, it is agreed that the term of 24 hours, within which British vessels must be reported to the Consul under Article XXXVII of the Treaty of Tientsin (**No. 6**), shall be understood to commence from the time a British vessel comes within the limits of the port; as also the term of 48 hours allowed her by Article XXX of the same Treaty (**No. 6**) to remain in port without payment of tonnage dues.

The limits of the port shall be defined by the Customs, with all consideration for the convenience of trade, compatible with due protection of the revenue; also the limits of the anchorages within which lading and discharging is permitted by the Customs; and the same shall be notified to the Consuls for public information.

Rule 7.—*Transit Dues.**

It is agreed that Article XXVIII of the Treaty of Tientsin (**No. 6**) shall be interpreted to declare the amount of transit dues legally leviable upon merchandise imported or exported by British subjects, to be one-half of the tariff duties, except in the case of the duty-free goods liable to a transit duty of two and a-half per cent. *ad valorem*, as provided in Article 2 of these rules. Merchandise shall be cleared of its transit dues under the following conditions:—

In the case of Imports.—Notice being given at the port of entry from which the imports are to be forwarded inland; of the nature and quantity of the goods; the ship from which they have been landed; and the place inland to which they are bound, with all other necessary particulars; the collector of Customs will, on due inspection made, and on receipt of the transit duty due, issue a transit duty certificate. This must be produced at every barrier station, and *visé*. No further duty will be leviable upon imports so certificated, no matter how distant the place of their destination.

In the case of Exports.—Produce purchased by a British subject in the interior will be inspected and taken account of at the

* See Chefoo Agreement, 13th September, 1876 (**No. 12**), and Additional Article, 18th July, 1885 (**No. 14**) (Opium). See also Treaty of 5th September, 1902 (**No. 28**), Article VIII.

first barrier it passes on its way to the port of shipment. A memorandum, showing the amount of the produce and the port at which it is to be shipped, will be deposited there by the person in charge of the produce; he will then receive a certificate, which must be exhibited and *visé* at every barrier on his way to the port of shipment. On the arrival of the produce at the barrier nearest the port, notice must be given to the Customs at the port, and the transit dues due thereon being paid, it will be passed. On exportation the produce will pay the Tariff duty.*

Any attempt to pass goods inwards or outwards, otherwise than in compliance with the rule here laid down, will render them liable to confiscation.

Unauthorized sale, *in transitu*, of goods that have been entered as above for a port, will render them liable to confiscation. Any attempt to pass goods in excess of the quantity specified in the certificate, will render all the goods of the same denomination named in the certificate liable to confiscation. Permission to export produce which cannot be proved to have paid its transit dues, will be refused by the Customs until the transit dues shall have been paid.

The above being the arrangement agreed to regarding the transit dues, which will thus be levied once and for all, the notification required under Article XXVIII of the Treaty of Tientsin (**No. 6**) for the information of British and Chinese subjects, is hereby dispensed with.

Rule 8.—*Foreign Trade under Passports. Peking excepted.*

It is agreed that Article IX of the Treaty of Tientsin (**No. 6**) shall not be interpreted as authorizing British subjects to enter the capital city of Peking for purposes of Trade.

Rule 9.—*Abolition of the Meltage Fee.*

It is agreed that the percentage of one tael two mace, hitherto charged in excess of duty-payments, to defray the expenses of melting by the Chinese Government, shall be no longer levied on British subjects.

Rule 10.—*Collection of Duties under one System at all Ports.*

It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue, accruing on British trade, it is agreed that one uniform system shall be enforced at every port.

The high officer appointed by the Chinese Government to superintend foreign trade will accordingly, from time to time, either himself visit, or will send a deputy to visit, the different ports. The said high officer will be at liberty, of his own choice,

* For revised Rules relating to Transit Certificates, see (**No. 12**) Section III, Clause 4. See also Treaty of 5th September, 1902 (**No. 28**), Article VIII.

and independently of the suggestion or nomination of any British authority, to select any British subject he may see fit to aid him in the administration of the Customs revenue; in the prevention of smuggling; in the definition of port boundaries; or in discharging the duties of harbour-master; also in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling up the Yang-tsze-kiang, when that river shall be opened to trade.

Done at Shanghai, in the province of Kiang-su, this 8th day of November, in the year of Our Lord 1858, being the 3rd day of the 10th moon of the 8th year of the reign of Hin-fung.

(L.S.) ELGIN AND KINCARDINE.

Signatures and Seal of the Five Chinese High Commissioners and Plenipotentiaries.

List of Articles Referred to in the Above.

	Rule		Rule		Rule
Bean cake	5	Druggeting	2	Preserved meats	2
Beer	2	Firewood	2	Pulse	5
Biscuits	2	Flour	2	Rice	5
Brimstone	5	Fowling-pieces	3	Rifles	3
Bullion, gold and silver	2	Glass	2	Sago	2
Butter	2	Gold bullion	2	Salt	3
Candles, foreign	2	Grain	5	Saltpetre	5
Cannon	3	Gunpowder	3	Ship's stores	2
Carpeting	2	Household stores	2	Shot	3
Cash	5	Indian meal	2	Silver bullion	2
Charcoal	2	Jewellery	2	Soap	2
Cheese	2	Medicines, foreign	2	Spelter	5
Cigars, foreign	2	Munitions of war	3	Spirits	2
Clothing, foreign	2	Muskets	3	Stationery	2
Coins, foreign	2	Opium	5	Sulphur	5
Confectionery	2	Perfumery	2	Tobacco, foreign	2
Contraband goods	3	Personal baggage	2	Vegetables	2
Copper cash	5	Pistols	3	War, articles of	3
Crystal ware	2	Plated ware	2	Wine	2
Cutlery	2				

TARIFF.

[See also page 35.]

TARIFF OF IMPORTS.*

Articles.	Quantities.	Duty. T.	M.	C.	C.
Agar-agar	Per 100 catties	0	1	5	0
Assafœtida	,,	0	6	5	0
Bees'-wax, yellow	,,	1	0	0	0
Betel-nut	,,	0	1	5	0
,, husk	,,	0	0	7	5
Bicho-de-mar, black	,,	1	5	0	0
,, white	,,	0	3	5	0
Birds' nests, 1st quality	Per catty	0	5	5	0
,, 2nd ,,	,,	0	4	5	0
,, 3rd, or uncleaned	,,	0	1	5	0
Buttons, brass	Per gross	0	0	5	5
Camphor, baroos, clean	Per catty	1	3	0	0
,, ,, refuse	,,	0	7	0	0
Canvas and cotton duck, not exceeding 50 yards long	Per piece	0	4	0	0
Cardamoms, superior	Per 100 catties	1	0	0	0
,, inferior, or grains of Paradise	,,	0	5	0	0
Cinnamon	,,	1	5	0	0
Clocks	5 per cent.	*ad valorem*			
Cloves	Per 100 catties	0	5	0	0
,, mother	,,	0	1	8	0
Coal, foreign	Per ton	0	0	5	0
Cochineal	Per 100 catties	5	0	0	0
Coral	Per catty	0	1	0	0
Cordage, Manilla	Per 100 catties	0	3	5	0
Cornelians	Per 100 stones	0	3	0	0
,, beads	Per 100 catties	7	0	0	0
Cotton, raw	,,	0	3	5	0
Cotton piece goods—					
Grey, white, plain, and twilled, exceeding 34 inches wide, and not exceeding 40 yards long	Per piece	0	0	8	0
Exceeding 34 inches wide, and exceeding 40 yards long	Per every 10 yds.	0	0	2	0
Drills and jeans, not exceeding 30 inches wide, and not exceeding 40 yards long	Per piece	0	1	0	0
Not exceeding 30 inches wide, and not exceeding 30 yards long	,,	0	0	7	5
T-cloths, not exceeding 34 inches wide, and not exceeding 48 yards long	,,	0	0	8	0
Not exceeding 34 inches wide, and not exceeding 24 yards long	,,	0	0	4	0
Cotton, dyed, figured and plain, not exceeding 36 inches wide, and not exceeding 40 yards long	,,	0	1	5	0
Cotton, fancy, white brocades and white spotted shirtings, not exceeding 36 inches wide, and not exceeding 40 yards long	,,	0	1	0	0
Cotton, printed, chintzes and furnitures, not exceeding 31 inches wide, and not exceeding 30 yards long	,,	0	0	7	0

* See revised Tariff annexed to Agreement of 29th August, 1902 (**No. 27**). For weights and measures see Rule 4 of Agreement of 8th November, 1858 (**No. 7**). 1 tael = 10 mace. 1 mace = 10 condareen. 1 condareen = 10 cash. A tael is a money of account (not a coin); its value varies at different ports in China; Its sterling value fluctuates with the price of silver. (See note on page 149.)

[Tariff of Imports.* See also page 35.]

Articles.	Quantities.	Duty. T.	M.	C.	C.
Cotton cambrics, not exceeding 46 inches wide, and not exceeding 24 yards long	Per piece	0	0	7	0
Cotton cambrics, not exceeding 46 inches wide, and not exceeding 12 yards long....	„	0	0	3	5
Cotton muslins, not exceeding 46 inches wide, and not exceeding 24 yards long....	„	0	0	7	5
Cotton muslins, not exceeding 46 inches wide, and not exceeding 12 yards long....	„	0	0	3	5
Cotton damasks, not exceeding 36 inches wide, and not exceeding 40 yards long....	„	0	2	0	0
Cotton dimities or quiltings, not exceeding 40 inches wide, and not exceeding 12 yards long	„	0	0	6	5
Cotton ginghams, not exceeding 28 inches wide, and not exceeding 30 yards long	„	0	0	3	5
Cotton handkerchiefs, not exceeding 1 yard square....	Per dozen	0	0	2	5
„ fustians, not exceeding 35 yards long	Per piece	0	2	0	0
„ velveteens, not exceeding 34 yards long	„	0	1	5	0
„ thread	Per 100 catties	0	7	2	0
„ yarn	„	0	7	0	0
Cow bezoar, Indian	Per catty	1	5	0	0
Cutch	Per 100 catties	0	1	8	0
Elephants' teeth, whole	„	4	0	0	0
„ broken	„	3	0	0	0
Feathers, kingfishers', peacocks'	Per 100	0	4	0	0
Fish maws	Per 100 catties	1	0	0	0
„ skins	„	0	2	0	0
Flints	„	0	0	3	0
Gambier....	„	0	1	5	0
Gamboge	„	1	0	0	0
Ginseng, American, crude	„	6	0	0	0
„ „ clarified	„	8	0	0	0
Glass, window	Per box of 100 square feet	0	1	5	0
Glue	Per 100 catties	0	1	5	0
Gold thread, real	Per catty	1	6	0	0
„ imitation....	„	0	0	3	0
Gum benjamin	Per 100 catties	0	6	0	0
„ „ oil of	„	0	6	0	0
„ dragon's blood	„	0	4	5	0
„ myrrh	„	0	4	5	0
„ olibanum	„	0	4	5	0
Hides, buffalo and cow....	„	0	5	0	0
„ rhinoceros	„	0	4	2	0
Horns, buffalo	„	0	2	5	0
„ deer	„	0	2	5	0
„ rhinoceros	„	2	0	0	0
Indigo, liquid	„	0	1	8	0
Isinglass....	„	0	6	5	0
Lacquered ware....	„	1	0	0	0
Leather	„	0	4	2	0
Linen, fine, as Irish or Scotch, not exceeding 50 yards long....	Per piece	0	5	0	0
Linen, coarse, as linen and cotton, or silk and linen mixtures, not exceeding 50 yards long	„	0	2	0	0
Lucraban seed	Per 100 catties	0	0	3	5
Mace	„	1	0	0	0
Mangrove bark	„	0	0	3	0

* See revised Tariff annexed to Agreement of 29th August, 1902 (No. 27).

[Tariff of Imports.* See also page 35.]

Articles.	Quantities.	Duty. T.	M.	C.	C.
Metals—					
Copper, manufactured, as in sheets, rods, nails	Per 100 catties	1	5	0	0
,, unmanufactured, as in slabs	,,	1	0	0	0
,, yellow metal, sheathing, and nails	,,	0	9	0	0
,, Japan	,,	0	6	0	0
Iron, manufactured, as in sheets, rods, bars, hoops	,,	0	1	2	5
,, unmanufactured, as in pigs	,,	0	0	7	5
,, kentledge	,,	0	0	1	0
,, wire	,,	0	2	5	0
Lead, in pigs	,,	0	2	5	0
,, in sheets	,,	0	5	5	0
Quicksilver	,,	2	0	0	0
Spelter (saleable only under regulation appended)	,,	0	2	5	0
Steel	,,	0	2	5	0
Tin	,,	1	2	5	0
,, plates	,,	0	4	0	0
Mother-o'-pearl shell	,,	0	2	0	0
Musical boxes	5 per cent.	*ad valorem*			
Mussels, dried	Per 100 catties	0	2	0	0
Nutmegs	,,	2	5	0	0
Olives, unpickled, salted, or pickled	,,	0	1	8	0
Opium†	,,	30	0	0	0
Pepper, black	,,	0	3	6	0
,, white	,,	0	5	0	0
Prawns, dried	,,	0	3	6	0
Putchuk	,,	0	6	0	0
Rattans	,,	0	1	5	0
Rose Maloes	,,	1	0	0	0
Salt fish	,,	0	1	8	0
Saltpetre (saleable only under regulation appended)	,,	0	5	0	0
Sandal-wood	,,	0	4	0	0
Sapan-wood	,,	0	1	0	0
Seahorse teeth	,,	2	0	0	0
Shark's fins, black	,,	0	5	0	0
,, ,, white	,,	1	5	0	0
,, skins	Per 100	2	0	0	0
Silver thread, real	Per catty	1	3	0	0
,, imitation	,,	0	0	3	0
Sinews, buffalo and deer	Per 100 catties	0	5	5	0
Skins, fox, large	Each	0	1	5	0
,, ,, small	,,	0	0	7	5
,, marten	,,	0	1	5	0
,, sea-otter	,,	1	5	0	0
,, tiger and leopard	,,	0	1	5	0
,, beaver	Per 100	5	0	0	0
,, doe, hare, and rabbit	,,	0	5	0	0
,, squirrel	,,	0	5	0	0
,, land-otter	,,	2	0	0	0
,, racoon	,,	2	0	0	0
Smalts	Per 100 catties	1	5	0	0
Snuff, foreign	,,	7	2	0	0
Sticklac	,,	0	3	0	0
Stockfish	,,	0	5	0	0
Sulphur and brimstone (saleable only under regulation appended)	,,	0	2	0	0

* See revised Tariff annexed to Agreement of 29th August, 1902 (**No. 27**).

† See Agreement, 13th September, 1876 (**No. 12**), § 3 (1); Additional Article, 18th July, 1885 (**No. 14**), and 11th September, 1886 (**No. 16**).

[Tariff of Imports*. See also page 35.]

Articles.	Quantities.	Duty. T.	M.	C.	C.
Telescopes, spy and opera glasses, looking-glasses, and mirrors	5 per cent.	*ad valorem*			
Tigers' bones	Per 100 catties	1	5	5	0
Timber—					
Masts and spars, hard-wood, not exceeding 40 feet	Each	4	0	0	0
" " " " 60 feet	"	6	0	0	0
" " " exceeding 60 feet	"	10	0	0	0
" " soft-wood, not exceeding 40 feet	"	2	0	0	0
" " " " 60 feet	"	4	5	0	0
" " " exceeding 60 feet	"	6	5	0	0
Beams, hard-wood, not exceeding 26 feet long, and under 12 inches square	"	0	1	5	0
Planks, hard-wood, not exceeding 24 feet long, 12 inches wide, and 3 inches thick	Per 100	3	5	0	0
Planks, hard-wood, not exceeding 16 feet long, 12 inches wide, and 3 inches thick	"	2	0	0	0
Planks, soft-wood	Per 1,000 sq. ft.	0	7	0	0
" teak	Per cubic foot	0	0	3	5
Tinder	Per 100 catties	0	3	5	0
Tortoiseshell	Per catty	0	2	5	0
" broken	"	0	0	7	2
Umbrellas	Each	0	0	3	5
Velvets, not exceeding 34 yards long	Per piece	0	1	8	0
Watches	Per pair	1	0	0	0
" émaillés à perles	"	4	5	0	0
Wax, Japan	Per 100 catties	0	6	5	0
Woods, Camagon	"	0	0	3	0
" ebony	"	0	1	5	0
" Garroo	"	2	0	0	0
" fragrant	"	0	4	5	0
" Kranjee, 35 feet long, 1 foot 8 inches wide, and 1 foot thick	Each	0	8	0	0
" Laka	Per 100 catties	0	1	4	5
" red	"	0	1	1	5
Woollen manufactures, viz.: blankets	Per pair	0	2	0	0
" broadcloth and Spanish stripes, habit and medium cloth, 51 inches at 64 inches wide	Per chang	0	1	2	0
" long ells, 31 inches wide	"	0	0	4	5
" camlets, English, 31 inches wide	"	0	0	5	0
" " Dutch, 33 inches wide	"	0	1	0	0
" " imitation, and bombazettes	"	0	0	3	5
" cassimeres, flannel and narrow cloth	"	0	0	4	0
" lastings, 31 inches wide	"	0	0	5	0
" " imitation and Orleans, 34 inches wide	"	0	0	3	5
" bunting, not exceeding 24 inches wide, 40 inches long	Per piece	0	2	0	0
" and cotton mixtures, viz.: lustres, plain and brocaded, not exceeding 31 yards long	"	0	2	0	0
" inferior Spanish stripes	Per chang	0	1	0	0
" yarn	Per 100 catties	3	0	0	0

* See revised Tariff annexed to Agreement of 29th August, 1902 (No. 27).

Tariff of Exports.*

[See also page 35.]

Articles.	Quantities.	Duty. T.	M.	C.	C.
Alum	Per 100 catties	0	0	4	5
„ green, or copperas	„	0	1	0	0
Aniseed, star	„	0	5	0	0
„ broken	„	0	2	5	0
„ oil	„	5	0	0	0
Apricot seeds, or almonds	„	0	4	5	0
Arsenic	„	0	4	5	0
Artificial flowers	„	1	5	0	0
Bamboo ware	„	0	7	5	0
Bangles, or glass armlets	„	0	5	0	0
Beans and peas (except from Newchwang and Tangchow)†	„	0	0	6	0
Bean cake (except from Newchwang and Tangchow)†	„	0	0	3	5
Bone and horn ware	„	1	5	0	0
Brass buttons	„	3	0	0	0
„ foil	„	1	5	0	0
„ ware	„	1	0	0	0
„ wire	„	1	1	5	0
Camphor	„	0	7	5	0
Canes	Per 1,000	0	5	0	0
Cantharides	Per 100 catties	2	0	0	0
Capoor Cutcherry	„	0	3	0	0
Carpets and druggets	Per 100	3	5	0	0
Cassia lignea	Per 100 catties	0	6	0	0
„ buds	„	0	8	0	0
„ twigs	„	0	1	5	0
„ oil	„	9	0	0	0
Castor oil	„	0	2	0	0
Chestnuts	„	0	1	0	0
China root	„	0	1	3	0
Chinaware, fine	„	0	9	0	0
„ coarse	„	0	4	5	0
Cinnabar	„	0	7	5	0
Clothing, cotton	„	1	5	0	0
„ silk	„	10	0	0	0
Coal	„	0	0	4	0
Coir	„	0	1	0	0
Copper ore	„	0	5	0	0
„ sheathing, old	„	0	5	0	0
Copper and pewter ware	„	1	1	5	0
Corals, false	„	0	3	5	0
Cotton, raw	„	0	3	5	3
„ rags	„	0	0	4	5
Cow, Bezoar	Per catty	0	3	6	0
Crackers, fireworks	Per 100 catties	0	5	0	0
Cubebs	„	1	5	0	0
Curiosities, antiques	5 per cent.	*ad valorem*			
Dates, black	Per 100 catties	0	1	5	0
„ red	„	0	0	9	0
Dye, green	Per catty	0	8	0	0
Eggs, preserved	Per 1,000	0	3	5	0
Fans, feather	Per 100	0	7	5	0
„ paper	„	0	0	4	5
„ palm-leaf, trimmed	Per 1,000	0	3	6	0
„ „ untrimmed	„	0	2	0	0

* See Treaty of 5th September, 1902 (No. 28), Article VIII, Section 7.

† Chefoo was opened in the place of Tangchow. See page 23.

[Tariff of Exports.* See also page 35.]

Articles.	Quantities.	Duty. T.	M.	C.	C.
Felt cuttings	Per 100 catties	0	1	0	0
„ caps	Per 100	1	2	5	0
Fungus, or agaric	Per 100 catties	0	6	0	0
Galangal	„	0	1	0	0
Garlic	„	0	0	3	5
Ginseng, native	5 per cent.	*ad valorem*			
„ Corean or Japan, 1st quality	Per catty	0	5	0	0
„ „ „ 2nd quality	„	0	3	5	0
Glass beads	Per 100 catties	0	5	0	0
„ or vitrified ware	„	0	5	0	0
Grass cloth, fine	„	2	5	0	0
„ coarse	„	0	7	5	0
Ground-nuts	„	0	1	0	0
„ cake	„	0	0	3	0
Gypsum, ground, or plaster of Paris	„	0	0	3	0
Hair, camels'	„	1	0	0	0
„ goats'	„	0	1	8	0
Hams	„	0	5	5	0
Hartall, or orpiment	„	0	3	5	0
Hemp	„	0	3	5	0
Honey	„	0	9	0	0
Horns, deer's, young	Per pair	0	9	0	0
„ „ old	Per 100 catties	1	3	5	0
Indian ink	„	4	0	0	0
Indigo, dry	„	1	0	0	0
Ivory ware	Per catty	0	1	5	0
Joss-sticks	Per 100 catties	0	2	0	0
Kittysols, or paper umbrellas	Per 100	0	5	0	0
Lacquered ware	Per 100 catties	1	0	0	0
Lamp wicks	„	0	6	0	0
Lead, red (minium)	„	0	3	5	0
„ white (ceruse)	„	0	3	5	0
„ yellow (massicot)	„	0	3	5	0
Leather articles, as pouches, purses	„	1	5	0	0
„ green	„	1	8	0	0
Liches	„	0	2	0	0
Lily flowers, dried	„	0	2	7	0
„ seeds, or lotus nuts	„	0	5	0	0
Liquorice	„	0	1	3	5
Lung-ngan	„	0	2	5	0
„ without the stone	„	0	3	5	0
Manure cakes, or poudrette	„	0	0	9	0
Marble slabs	„	0	2	0	0
Mats of all kinds	Per 100	0	2	0	0
Matting	Per roll of 40 yds.	0	2	0	0
Melon seeds	Per 100 catties	0	1	0	0
Mother-o'-pearl ware	Per catty	0	1	0	0
Mushrooms	Per 100 catties	1	5	0	0
Musk	Per catty	0	9	0	0
Nankeen and native cotton cloths	Per 100 catties	1	5	0	0
Nutgalls	„	0	5	0	0
Oil, as bean, tea, wood, cotton, and hemp seed	„	0	3	0	0
Oiled paper	„	0	4	5	0
Olive seed	„	0	3	0	0
Oyster-shell, sea-shells	„	0	0	9	0
Paint (green)	„	0	4	5	0
Palampore, or cotton bed-quilts	Per 100	2	7	5	0

* See Treaty of 5th September, 1902 (No. 28), Article VIII, Section 7.

[Tariff of Exports.* See also page 35.]

Articles.	Quantities.	Duty. T.	M.	C.	C.
Paper, 1st quality	Per 100 catties	0	7	0	0
„ 2nd quality	„	0	4	0	0
Pearls, false	„	2	0	0	0
Peel, orange	„	0	3	0	0
„ Pumelo, 1st quality	„	0	4	5	0
„ „ 2nd „	„	0	1	5	0
Peppermint leaf	„	0	1	0	0
„ oil	„	3	5	0	0
Pictures and paintings	Each	0	1	0	0
„ on pith or rice-paper	Per 100	0	1	0	0
Pottery, earthenware	Per 100 catties	0	0	5	0
Preserves, comfits, and sweetmeats	„	0	5	0	0
Rattans, split	„	0	2	5	0
Rattan-ware	„	0	3	0	0
Rhubarb	„	1	2	5	0
Rice or paddy, wheat, millet, and other grains	„	0	1	0	0
Rugs, of hair or skin	Each	0	0	9	0
Samshoo	Per 100 catties	0	1	5	0
Sandalwood ware	Per catty	0	1	0	0
Seaweed	Per 100 catties	0	1	5	0
Sesamum seed	„	0	1	3	5
Shoes and boots, leather or satin	Per 100 pairs	3	0	0	0
„ straw	„	0	1	8	0
Silk, raw and thrown	Per 100 catties	10	0	0	0
„ yellow, from Szechuen	„	7	0	0	0
„ reeled, from Dupions	„	5	0	0	0
„ wild raw	„	2	5	0	0
„ refuse	„	1	0	0	0
„ cocoons	„	3	0	0	0
„ floss, Canton	„	4	3	0	0
„ floss, from other provinces	„	10	0	0	0
„ ribbons and thread	„	10	0	0	0
„ piece-goods: pongees, shawls, scarves, crape, satin, gauze, velvet, and embroidered goods	„	12	0	0	0
„ piece-goods: Szechuen and Shantung	„	4	5	0	0
„ tassels	„	10	0	0	0
„ caps	Per 100	0	9	0	0
„ and cotton mixtures	Per 100 catties	5	5	0	0
Silver and gold ware	„	10	0	0	0
Snuff	„	0	8	0	0
Soy	„	0	4	0	0
Straw braid	„	0	7	0	0
Sugar, brown	„	0	1	2	0
„ white	„	0	2	0	0
„ candy	„	0	2	5	0
Tallow, animal	„	0	2	0	0
„ vegetable	„	0	3	0	0
Tea	„	2	5	0	0
Tinfoil	„	1	2	5	0
Tobacco, prepared	„	0	4	5	0
„ leaf	„	0	1	5	0
Tortoiseshell ware	Per catty	0	2	0	0
Trunks, leather	Per 100 catties	1	5	0	0
Turmeric	„	0	1	0	0
Twine, hemp, Canton	„	0	1	5	0
„ „ Soochow	„	0	5	0	0
Turnips, salted	„	0	1	8	0
Varnish, or crude lacquer	„	0	5	0	0

* See Treaty of 5th September, 1902 (No. 28), Article VIII, Section 7.

Articles.	Quantities.	Duty.
		T. M. C. C.
Vermicelli	Per 100 catties	0 1 8 0
Vermilion	„	2 5 0 0
Wax, white or insect	„	1 5 0 0
Wood, piles, poles, and joists	Each	0 0 3 0
„ ware	Per 100 catties	1 1 5 0
Wool	„	0 3 5 0

[See Treaty of 5th September, 1902 (No. 28), Article VIII, Section 7.]

(L.S.) ELGIN AND KINCARDINE.

Signatures and Seal of the Five Chinese High Commissioners and Plenipotentiaries.

[For the accession of China to the "Customs Tariff Publication Convention, 1890," see "Hertslet's Commercial Treaties," Vol. 19, page 171.]

(No. 8.) *CONVENTION of Peace and Friendship between Great Britain and China. Signed at Peking, 24th October,* 1860.

[Signed also in Chinese.]

HER Majesty the Queen of Great Britain and Ireland, and His Imperial Majesty the Emperor of China, being alike desirous to bring to an end the misunderstanding at present existing between their respective Governments, and to secure their relations against further interruption, have for this purpose appointed Plenipotentiaries, that is to say:—

Her Majesty the Queen of Great Britain and Ireland, the Earl of Elgin and Kincardine;

And His Imperial Majesty the Emperor of China, His Imperial Highness the Prince of Kung;

Who, having met and communicated to each other their full powers, and finding these to be in proper form, have agreed upon the following Convention, in 9 Articles:—

ARTICLE I.

Apology of Emperor for obstruction offered by garrison of Taku to passage of British Representative with Ratifications of Treaty of 26th June, 1858.

A breach of friendly relations having been occasioned by the act of the garrison of Taku, which obstructed Her Britannic

Majesty's Representative when on his way to Peking for the purpose of exchanging the Ratifications of the Treaty of Peace concluded at Tientsin in the month of June, 1858 (**No. 6**), His Imperial Majesty the Emperor of China expresses his deep regret at the misunderstanding so occasioned.

[See Note, page 18.]

ARTICLE II.

Right of British Representative to reside at Peking. Arrangement of October, 1858, cancelled.

It is further expressly declared, that the arrangement entered into at Shanghai in the month of October, 1858, between Her Britannic Majesty's Ambassador, the Earl of Elgin and Kincardine, and His Imperial Majesty's Commissioners, Kweiliang and Hwashana, regarding the residence of Her Britannic Majesty's Representative in China, is hereby cancelled; and that, in accordance with Article III of the Treaty of 1858 (**No. 6**), Her Britannic Majesty's Representative will henceforward reside permanently or occasionally at Peking, as Her Majesty shall be pleased to decide.

ARTICLE III.

Separate Article of Treaty of 26th June, 1858, annulled. Indemnity of 8,000,000 Taels, to be paid by instalments: 2,000,000 to British merchants for their losses at Canton, and 6,000,000 for War Expenses.

It is agreed that the Separate Article of the Treaty of 1858 (**No. 6**) is hereby annulled; and that, in lieu of the amount of indemnity therein specified, His Imperial Majesty the Emperor of China shall pay the sum of 8,000,000 taels, in the following proportions or instalments, namely:—At Tientsin, on or before the 30th day of November, the sum of 500,000 taels; at Canton, and on or before the 1st day of December, 1860, 333,333 taels, less the sum which shall have been advanced by the Canton authorities towards the completion of the British Factory site at Shamien: and the remainder at the ports open to foreign trade, in quarterly payments, which shall consist of one-fifth of the gross revenue from Customs there collected. The first of the said payments being due on the 31st day of December, 1863, for the quarter terminating on that day.

It is further agreed that these moneys shall be paid into the hands of an officer whom Her Britannic Majesty's Representative shall specially appoint to receive them, and that the accuracy of the amounts shall, before payment, be duly ascertained by British and Chinese officers appointed to discharge this duty.

In order to prevent future discussion, it is moreover declared that, of the 8,000,000 taels herein guaranteed, 2,000,000 will be appropriated to the indemnification of the British mercantile com-

munity at Canton, for losses sustained by them, and the remaining 6,000,000 to the liquidation of war expenses.

[A Return of the claims made for Indemnity by the Commercial Community of Canton under the Convention of Peking, of 24th October, 1860 (**No. 8**); and a Return, showing, in detail, the manner in which the 2,000,000 taels set aside for the purpose of meeting those claims were distributed and disposed of, was laid before Parliament in 1871. C.—457.]

ARTICLE IV.

Port of Tientsin opened to Trade.

It is agreed that on the day on which this Convention is signed, His Imperial Majesty the Emperor of China shall open the port of Tientsin to trade, and that it shall be thereafter competent to British subjects to reside and trade there under the same conditions as at any other port of China by Treaty open to trade.

ARTICLE V.

Chinese Coolie Emigration.

As soon as the ratifications of the Treaty of 1858 shall have been exchanged,* His Imperial Majesty the Emperor of China will, by Decree, command the high authorities of every province to proclaim throughout their jurisdictions, that Chinese choosing to take service in the British Colonies or other parts beyond sea, are at perfect liberty to enter into engagements with British subjects for that purpose, and to ship themselves and their families on board any British vessel at any of the open ports of China; also that the high authorities aforesaid shall, in concert with Her Britannic Majesty's Representative in China, frame such regulations for the protection of Chinese, emigrating as above, as the circumstances of the different open ports may demand.

[See Convention of 5th March, 1866 (**No. 10**), and Convention of 13th May, 1904 (**No. 29**).]

ARTICLE VI.

Hong Kong. Cession to Great Britain of that portion of Township of Kowloon which was leased to Mr. Harry Parkes. Lease cancelled. Liquidation of Chinese Claims.

With a view to the maintenance of law and order in and about the harbour of Hong Kong,† His Imperial Majesty the Emperor of China agrees to cede to Her Majesty the Queen of Great Britain and Ireland, and to Her heirs and successors, to have and to hold, as a dependency of Her Britannic Majesty's colony of Hong Kong, that portion of the township of Kowloon, in the Province of Kwang-tung, of which a lease was granted in perpetuity to Harry

* Exchanged 24th October, 1860.
† See Treaty of 29th August, 1842 (**No. 1**), Art. III.

Smith Parkes, Esquire, Companion of the Bath, a member of the Allied Commission at Canton, on behalf of Her Britannic Majesty's Government, by Lan Tsung Kwang, Governor-General of the Two Kwang.

It is further declared that the lease in question is hereby cancelled; that the claims of any Chinese to any property on the said portion of Kowloon shall be duly investigated by a Mixed Commission of British and Chinese officers; and that compensation shall be awarded by the British Government to any Chinese whose claims shall be by the said Commission established, should his removal be deemed necessary by the British Government.

[See Convention of 9th June, 1898 (**No. 24**), respecting an extension of Hong Kong territory.]

ARTICLE VII.

Confirmation of Treaty of 26th June, 1858, with modifications.

It is agreed that the provisions of the Treaty of 1858 (**No. 6**), except in so far as these are modified by the present Convention, shall without delay come into operation as soon as the ratifications of the Treaty aforesaid shall have been exchanged.*

No Separate Ratification of present Convention required.

It is further agreed that no separate ratification of the present Convention shall be necessary, but that it shall take effect from the date of its signature, and be equally binding with the Treaty above mentioned on the High Contracting Parties.

ARTICLE VIII.

Treaty of 26th June, 1858, and present Convention to be published by Chinese Government.

It is agreed that as soon as the ratifications of the Treaty of the year 1858 (**No. 6**) shall have been exchanged, His Imperial Majesty the Emperor of China shall, by Decree, command the high authorities in the capital and in the provinces to print and publish the aforesaid Treaty and the present Convention for general information.†

ARTICLE IX.

Conditional Evacuation of Chusan and other places in China occupied by British Troops.

It is agreed that, as soon as this Convention shall have been signed, the ratifications of the Treaty of the year 1858 (**No. 6**) shall have been exchanged, and an Imperial decree respecting the publication of the said Convention and Treaty shall have been

* Exchanged 24th October, 1860.

† This Treaty was, with the Emperor's consent, posted on the walls of Peking.

promulgated, as provided for by Article VIII of this Convention, Chusan shall be evacuated by Her Britannic Majesty's troops there stationed,* and Her Britannic Majesty's force now before Peking shall commence its march towards the city of Tientsin, the forts of Taku, the north coast of Shang-tung, and the city of Canton, at each or all of which places it shall be at the option of Her Majesty the Queen of Great Britain and Ireland to retain a force until the indemnity of 8,000,000 taels, guaranteed in Article III, shall have been paid.

Done at Peking, in the Court of the Board of Ceremonies, on the 24th day of October, in the year of our Lord 1860.

(L.S.) ELGIN AND KINCARDINE.

Signature and Seal of the Chinese Plenipotentiary.

Smuggling. Between July, 1874, and March, 1875, a correspondence passed relating to the complaints of the mercantile community in Hong Kong against the action of Chinese revenue cruisers in the neighbourhood of that colony. This correspondence was laid before Parliament in April, 1875 [C.—1189]. On the 1st December, 1874, the British Consul at Canton drew up a report upon the subject, in which he pointed out how the Treaty stipulations bore upon the first question, and the following is an extract from that Report (page 41):—

"The Proclamation of Sir Charles, then Captain Elliot, of the 20th of June, 1841,† notified the cession of Hong Kong to the British Crown on certain conditions, the first of which is: "All just charges and duties to the Empire upon the commerce carried on there (Hong Kong), to be paid as if the trade were conducted at Whampoa" (the anchorage at Canton). Here, then, is an explicit acknowledgment of the right of the Chinese to levy duties at Hong Kong. But the island had been only provisionally ceded, and was in that position when the Proclamation of the 7th of June, five months subsequently, was issued, upon which the petitions rely. But by Article III of the Treaty of Nanking, of August the 29th, 1842, which followed

* Chusan was reoccupied by British and French troops on the 21st April, 1860, and evacuated on the 1st January, 1861.

† A Proclamation, inviting Chinese merchants to resort to Hong Kong for the purposes of trade and commerce, under the promise of full protection from interference on the part of the Chinese Authorities, as by the said Proclamation, which is in the words and figures following, appears:—

"*A Proclamation.*

"By Sir Charles Elliot, &c., &c., &c.

"It is hereby declared to the merchants and traders of Canton and all parts of the Empire that they and their ships have free permission to resort to and trade at the port of Hong Kong, where they will receive full protection from the high officers of the British nation, and Hong Kong being on the shores of the Chinese Empire, neither will there be any charges on imports and exports to the British Government. It is further clearly declared that there will be an immediate embargo upon the port of Canton and all the large ports of the Empire, if there be the least obstruction to the freedom of trade and intercourse with the port of Hong Kong. Persons bringing information to the British officers which shall lead to the detection of pirates will be liberally rewarded, and the pirates will be taken and delivered over to the officers of the Chinese Government for punishment.

"CHARLES ELLIOT.

"At Macao, this 7th day of June, 1841."

the war of that year, the island was definitely conveyed to the British Crown, and became part and parcel of Her Majesty's dominions, thus abrogating the two Proclamations above mentioned; and by the Treaty of October 8th, 1843, which supplemented that of Nanking, it was provided, under Article XIII, "should natives of China wish to repair to Hong Kong to purchase goods, they shall have full and free permission to do so, and should they require a Chinese vessel to carry away their purchases, they must obtain a pass or port clearance for her at the Custom-House of the port whence the vessel may sail from Hong Kong;" and, under Article XIV, "An English officer will be appointed at Hong Kong, one part of whose duty will be to examine registers and passes of all Chinese vessels that may repair to that port to buy or sell goods; and should such officer at any time find that any Chinese merchant vessel has not a pass or register from one of the five ports, she is to be considered as an unauthorised or smuggling vessel, and is not to be allowed to trade, whilst a report of the circumstances is to be made to the Chinese Authorities. By this arrangement it is hoped that piracy and illegal traffic will be effectively prevented." By Article XVI, the most important of the three, it was agreed: "That the Custom-House officers of the five ports shall make a monthly return to Canton of the passes granted to vessels proceeding to Hong Kong, together with the nature of their cargoes; and a copy of these returns will be embodied in one return, and communicated once a month to the proper English officer at Hong Kong. The said English officer will, on his part, make a similar return or communication to the Chinese Authorities at Canton, showing the names of Chinese vessels arrived at Hong Kong, or departed from that port, with the value of their cargoes: and the Canton Authorities will apprise the Custom-House at the five ports, in order that, by those arrangements and precautions, all clandestine and illegal trade, under the cover of passes, may be averted."

"Such were the precautions taken by Her Majesty's Government at that time to prevent Hong Kong becoming a Smuggling depôt, and the Chinese Government being defrauded of its just dues; and had they been preserved in future arrangements, all troublesome and difficult questions like the present one had never arisen. But by the Treaty of Tientsin, of the 26th June, 1858, which followed upon the third war, the Supplementary Treaty of Nanking was abrogated, and with it went these precautions, while none were substituted, since which, smuggling prospered at Hong Kong, and the Canton Government was driven to take the action now complained of."

"The Governor of Hong Kong was nevertheless informed by the Secretary of State for the Colonies that the Earl of Derby would direct Her Majesty's Minister at Peking to call the attention of the Chinese Government to the complaints which had, from time to time, been made by the mercantile community in Hong Kong of the interference of the revenue cruisers with the junk trade, and to urge them to issue such instructions as would render the collection of their Customs revenue in the immediate vicinity of Hong Kong as little vexatious as possible to the Government of that Colony, and to the great number of junks frequenting its waters for the purposes of lawful trade."

(No. 9.) *ARTICLES agreed upon between Mr. Wade and Prince Kung relative to cases of Customs Seizures at Shanghai.—Peking, 27th October*, 1865.*

ARTICLE I.

WHEREVER a ship or goods belonging to a British subject may be seized in a port of China by the Customs, the seizure is to be reported without delay to the Superintendent. If he consider the seizure justified, he will direct the Foreign Commissioner of Customs to give notice to the party to whom the ship or goods are

* Approved by the British Government, 24th January, 1866; but superseded by Joint Investigation Rules of 31st May, 1868 **(No. 127)**.

declared to belong, that the ship or goods have been seized because such or such an irregularity has been committed, and that the said ship or goods will be confiscated unless before noon on a certain day, being the 6th day from the date of delivery of the notice, the Superintendent receive from the British Consul an official application to have the case fully investigated.

The British subject to whom the ship or goods belong, if prepared to maintain that the alleged irregularity has not been committed, is free to appeal within the term of six days direct to the Commissioner. If satisfied with his explanation, the Superintendent will direct the release of the ship or goods; otherwise, if he elect not so to appeal to the Customs, or if, after receiving his explanations, the Superintendent still decline to release the ship or goods, he may appeal to his Consul, who will write to inform the Superintendent of the particulars of his appeal, and to request him, the Superintendent, to name a day for the public investigation of the evidence on which the action of the Customs is founded.

ARTICLE II.

The Superintendent, on receipt of the Consul's communications, will name a day for meeting him at the Custom-House, and the Consul will desire the merchant to appear with his witnesses at the Custom-House on the day named, and will himself on that day proceed to the Custom-House. The Superintendent will invite the Consul to take his seat with him.

The Commissioner of Customs will also be seated to assist the Superintendent. Proceedings will be opened by the Superintendent who will call on the Customs' employés who have seized the ship or goods to state the circumstance which occasioned the seizure, and will question them according to their evidence. Whatever the merchant interested may have to state in contradiction of their evidence he will state to the Consul, who will cross-examine for him. Such will be the proceedings in the interest of truth and fairness.

The Consul and Superintendent may, if they see fit, appoint deputies to meet at the Custom-House in their stead, in which case the order of proceeding will be the same as if they were present in person.

ARTICLE III.

Notes will be taken of the statements of all parties examined, and the paper containing these will be signed and sealed by the Consul and Superintendent. The room will then be cleared, and the Superintendent will inform the Consul of the course he proposes to pursue. If he propose to confiscate the vessel or goods, and the Consul dissent, the merchant interested may appeal, and the Consul having given notice of the appeal to the Superintendent, they will forward copies of the above notes, the Consul to his Minister and the Superintendent to the Yamên of Foreign Affairs

at Peking. If the Consul agrees with the Superintendent that the ship or goods ought to be confiscated the merchant will not be entitled to appeal. In no case will the release of ships or goods entitle the merchant to indemnification for the seizure, whether these be released after the investigation at the Custom-House or after appeal to the high authorities of both nations at Peking.

ARTICLE IV.

The case being referred to superior authority, the merchant interested shall be at liberty to give a bond, binding himself to pay the full value of the ship or goods attached, should the ultimate decision be against him, which bond being sealed with the Consular Seal, and deposited with the Superintendent, the Superintendent will restore to the merchant the ship or goods attached, and when the superior authority shall have decided whether so much money is to be paid, or the whole of the property seized confiscated, the merchant will be called on to pay accordingly.

If the merchant decline to give the necessary security, the ship or merchandise attached will be detained. But whether the decision of the superior authority be favourable to the appellant or not, the appellant will not be entitled to claim indemnity.

(No. 10.) *CONVENTION to regulate the Engagement of Chinese Emigrants by British and French Subjects. Signed at Peking, 5th March*, 1866.*

THE Government of His Majesty the Emperor of China having requested that, in accordance with the terms of Conventions signed at Peking, the 24th and 25th of October, 1860 (**Nos. 8** and **42**), a set of Regulations should be framed to secure to Chinese emigrants those safeguards which are required for their moral and physical well-being; the following, after due discussion and deliberation at the Yamên of Foreign Affairs, have been adopted by the Undersigned, and will henceforth be in force.

Regulations.

ARTICLE I.

Any person desiring to open an emigration agency in any port in China, must address an application in writing to that effect to his Consul, inclosing at the same time copy of the rules which he proposes to observe in his establishment, copy of the contract which he offers to emigrants, together with the necessary proofs

* This Convention was published at Shanghai by Her Majesty's Consul at that port on the 22nd March, 1866, but it was not ratified. See Convention of 13th May, 1904 (**No. 29**).

that he has complied with all the conditions imposed by the laws of his country regulating emigration.

ARTICLE II.

The Consul after having assured himself of the solvency and respectability of the applicant, and having examined and approved the copies of the rules and contracts, shall communicate them to the Chinese authorities, and shall request them to issue the licence necessary for opening an emigration agency.

The licence, together with the rules and contracts as approved by the Chinese authorities, will be registered at the Consulate.

ARTICLE III.

No licence to open an emigration agency shall be withdrawn except upon sufficient grounds, and then only with the sanction of the Consul. In such a case the emigration agent shall have no claim to compensation for the closing of his establishment and the suspension of his operations.

ARTICLE IV.

No modification of the rules and contracts when once approved by the Consul and by the Chinese authorities shall be made without their express consent; and in order that no emigrant may be ignorant of them the said rules and contracts shall in all cases be posted up on the door of the emigration agency and in the quarters of the emigrants.

The emigration agent shall be allowed to circulate and make generally known in the towns and villages of the Province copies of these rules and contracts which must in all cases bear the seals of the Chinese authorities and of the Consulate.

ARTICLE V.

Every emigration agent shall be held responsible under the laws of his country for the due execution of the clauses of the contract signed by him until its expiration.

ARTICLE VI.

Every Chinese employed by the emigration agent to find him emigrants, shall be provided with a special licence from the Chinese authorities, and he alone will be responsible for any act done by him in the above capacity that may be, whether intentionally or unintentionally, in contravention of the laws of the empire.

ARTICLE VII.

Every Chinese wishing to emigrate under an engagement shall cause his name to be entered in a register kept for that purpose,

in the presence of the emigration agent and of an inspector deputed by the Chinese Government. He will then be at liberty to return to his home or to remain in the emigration depôt to wait the departure of the ship which is to carry him to his destination.

ARTICLE VIII.

The contracts shall specify :—

1st. The place of destination and the length of the engagement.

2nd. The right of the emigrant to be conveyed back to his own country, and the sum which shall be paid at the expiration of his contract to cover the expense of his voyage home and that of his family should they accompany him.

3rd. The number of working days in the year and the length of each day's work.

4th. The wages, rations, clothing, and other advantages promised to the emigrant.

5th. Gratuitous medical attendance.

6th. The sum which the emigrant agrees to set aside out of his monthly wages for the benefit of persons to be named by him, should he desire to appropriate any sum to such a purpose.

7th. Copies of the 8th, 9th, 10th, 14th, and 22nd Articles of these Regulations.

Any clause which shall purport to render invalid any of the provisions of this Regulation is null and void.

ARTICLE IX.

The term of each emigrant's engagement shall not exceed five years, at the expiration of which the sum stipulated in the contract shall be paid for him to cover the expense of his return to his country. In the event of his obtaining permission to remain without an engagement in this colony, this sum will be placed in his own hands.

It shall always be at the option of the emigrant to enter into a second engagement of five years, for which he shall be paid a premium equivalent to one-half the cost of his return to China. In such a case the sum destined to cover the expense of his return home shall not be paid until the expiration of his second engagement.

Every emigrant who may become invalided and incapable of working shall be allowed, without waiting for the expiration of his contract, to claim before the legal Courts of the colony or territory where he may be, payment on his behalf of the sum destined to cover the expense of his return to China.

ARTICLE X.

The emigrant shall in no case be forced to work more than six days out of seven, nor more than nine hours and a half in the day.

The emigrant shall be free to arrange with his employer the conditions of work by the piece or job, and of all extra labour undertaken during days and hours set apart for rest.

The obligation on holidays to attend to cattle, or to do such services as the necessities of daily life may demand, shall not be considered as labour.

ARTICLE XI.

No engagement to emigrate entered into by any Chinese subject under 20 years of age, will be valid unless he produce a certificate from the proper Chinese authorities stating that he has been authorized to contract such engagement by his parents, or, in a default of his parents, by the magistrate of the port at which he is to embark.

ARTICLE XII.

After four days, but not less, from the date of the entry of the emigrant's name on the register of the agency, the officer deputed by the Chinese Government being present, the contract shall be read to the emigrant, and he shall be asked whether he agrees to it, and having answered in the affirmative, he shall then and there append his signature thereto.

ARTICLE XIII.

The contract once signed, the emigrant is at the disposal of the agent, and must not absent himself from the depôt without the permission of the agent.

Before embarking, every emigrant shall be called before the officer deputed by the Chinese authorities to ratify his contract, which shall be registered at the Consulate.

Twenty-four hours before the sailing of the ship, the emigrants shall be mustered on board before the Consul and the Inspector of Customs, or their deputies; and the list shall be finally closed for signature and registration by the Consul and the Inspector.

Any individual refusing to proceed after this muster shall be bound to repay the expenses of his maintenance in the Emigration Depôt at the rate of one hundred cash (one-tenth of a tael) per diem. In default of payment he shall be handed over to the Chinese Magistrate to be punished according to the laws.

ARTICLE XIV.

Any sum handed over to the emigrant before his departure shall only be regarded in the light of the premium upon his engagement. All advances upon his future wages are formally forbidden except in the case of their being appropriated to the use of his family, and the Consul will take especial pains and provide against their being employed in any other way. Such advances shall not

exceed six months' wages, and shall be covered by a stoppage of one dollar per month until the entire debt shall have been paid.

It is absolutely forbidden, whether on the voyage or during the emigrant's stay in the colony or territory in which he may be employed, to make any advances to him in money or kind payable after the expiration of his engagement. Any agreement of this nature shall be null and void, and shall give the creditor no power to oppose the return of the emigrant to his country at the time fixed by the contract.

ARTICLE XV.

The emigrant during his stay in the depôt shall be bound to conform to the regulations adopted for its internal economy by the Consul and the Chinese authorities.

ARTICLE XVI.

Any emigrant who may be riotous or guilty of any misconduct shall be immediately locked up until the arrival of the officers deputed by the Chinese authorities, to whom he will be handed over to be punished in conformity with the laws of the Empire; the officers of the agency being in no case authorized to take the law into their own hands and inflict any punishment.

ARTICLE XVII.

The deputies of the Consul and of the Chinese authorities shall at all times be empowered to demand admittance to the Agency, and to summon the emigrants before them for the purpose of interrogation.

They will be present at the signing of the contracts and at the embarkation of the coolies.

They will see to the maintenance of order, to the healthiness and cleanliness of the rooms destined to receive the emigrants, to the separation of the families and women, and to the arrangements on board the transport ships.

They may at any time demand that experts or Medical Officers shall be called in, in order to verify any defects which they may have remarked; they may suspend the embarkation of emigrants in ships the arrangements on board of which may seem to them defective, and they may reject coolies afflicted with contagious diseases.

ARTICLE XVIII.

The Emigration Agent shall be bound to pay into the Customs Bank the sum of three dollars for every male adult entered on the list of coolies embarked, to meet the expenses of inspection.

ARTICLE XIX.

Any emigrant claimed by the Chinese Government as an offender against the law shall be handed over to the authorities, without opposition, through the Consul; and in such case the whole sum expended for the maintenance of the emigrants in the Agency or on board ship shall be repaid immediately to the Emigration Agent, at the rate of one hundred cash (one tenth of a tael) per diem.

The sum of the premium, advances, clothes, &c., entered in the Agency Register against such emigrant shall in like manner be repaid by the Chinese Government.

ARTICLE XX.

The Emigration Agent shall not be at liberty to embark emigrants on board any ship which shall not have satisfied the Consul that, in respect of its internal economy, stores, and sanitary arrangements, all the conditions required by the laws of the country to which the said ship may belong are fulfilled.

Should the Chinese authorities, upon the reports of the officers deputed by them, conceive it their duty to protest against the embarkation of a body of emigrants in a ship approved by the Consuls, it shall be in the power of the Customs to suspend the granting of the ship's port-clearance until further information shall have been obtained, and until the final decision of the Legation of the country to which the suspected ship belongs shall have been pronounced.

ARTICLE XXI.

On arrival of the ship at her destination, the duplicate of the list of emigrants shall be presented by the Captain, to be viséd by his Consul and by the local authorities.

In the margin and opposite to the name of each emigrant, note shall be made of deaths, births, and diseases during the voyage, and of the destination assigned to each emigrant in the colony or territory in which he is to be employed.

This document shall be sent by the Emigration Agent to the Consul at the port at which the emigrants embarked, and by him delivered to the Chinese authorities.

ARTICLE XXII.

In the distribution of the emigrants as labourers, the husband shall not be separated from his wife, nor shall parents be separated from their children being under 15 years of age.

No labourer shall be bound to change his employer without his consent, except in the event of the factory or plantation upon which he is employed changing hands.

His Imperial Highness the Prince of Kung has further declared

in the name of the Government of his Majesty the Emperor of China :—

1st. That the Chinese Government throws no obstacle in the way of free emigration, that is to say, to the departure of Chinese subjects embarking of their own free will and at their own expense for foreign countries, but that all attempts to bring Chinese under an engagement to emigrate, otherwise than as the present Regulations provide, are formally forbidden, and will be prosecuted with the extreme rigour of the law.

2nd. That a law of the Empire punishes by death those who, by fraud or by force, may kidnap Chinese subjects for the purpose of sending them abroad against their will.

3rd. That whereas the operations of Emigration Agents with a view to the supply of coolie labour abroad are authorized at all open ports, when conducted in conformity with these Regulations, and under the joint supervision of the Consuls and the Chinese authorities, it follows that where this joint supervision cannot be exercised, such operations are formally forbidden.

These declarations are here placed on record in order that they may have the same force and validity as the Regulations contained in the 22 Articles foregoing.

Done and signed at Peking in triplicate, the 5th of March, 1866.

(L.S.) RUTHERFORD ALCOCK.
Seal and Signature of PRINCE KUNG.
(L.S.) HENRY DE BELLONET.

(No. 11.) *SUPPLEMENTARY CONVENTION to the Treaty of Commerce and Navigation of 26th June, 1858, between Great Britain and China. Signed at Peking, 23rd October, 1869.**

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of China, desiring to secure the better execution of the Treaty of Commerce concluded between them on the 26th of June, 1858 (**No. 6**), have resolved, in accordance with the provision made in the XXVIIth Article, to the effect " that either of the High Contracting Parties may demand a further revision of the Tariff and of the Commercial Articles of that Treaty at the end of ten years," to negotiate a complementary arrangement, and they have for that purpose named as their Plenipotentiaries, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Rutherford Alcock, Knight Commander of the Most Honourable Order of the Bath, Her said Majesty's

* Parliamentary Paper, China, No. 1 (1870). This Convention was not ratified. See Chefoo Agreement, 13th September, 1876 (**No. 12.**)

Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China;

And His Majesty the Emperor of China, His Imperial Highness (Ho-shuo) Prince of Kung; Wên Hsiang, President of the Board of Civil Office; Pao Chün, President of the Board of Revenue; Tung Hsün, President of the Board of Revenue; Tan Ting Hsiang, President of the Board of Punishment; and Chung Lün, President of the Colonial Office;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

Most-favoured-nation Treatment accorded to British Subjects.

China having agreed that British subjects shall participate in all advantages accorded by Treaty to the subjects of other Powers, it is further agreed that British subjects desiring to participate in the advantages accorded by Treaty to the subjects of other Powers shall participate in such advantages on the same conditions on which they have been accorded to, and are participated in by, the subjects of such other Powers.

ARTICLE II.

Appointment of Consuls.

China having agreed that England may appoint Consuls to reside at every port open to trade, it is further agreed that China may appoint Consuls to reside at all ports in the British dominions.

The Consuls so appointed shall respectively be entitled to the treatment accorded to the most favoured nation.

ARTICLE III.

Payment of Import and Transit Duties.

It is agreed that commodities of the following classes and denominations, viz., cottons, linens, woollens, woollen and cotton mixtures, &c., &c., imported by British merchants, shall pay both import duty and transit due simultaneously at the time of importation.

Exemption from all other Taxes and Charges.

On the other part, China agrees that the above-mentioned commodities, imported by British merchants and having paid import duty and transit due simultaneously at the time of importation, shall be exempt from all other taxes and charges whatsoever in Treaty-port provinces.

ARTICLE IV.

Payment of Inland Dues, &c., on Native Produce purchased in the Interior.

It is agreed that native produce purchased in the interior by British merchants furnished with the documents prescribed by the Supplementary Regulations, shall pay all inland dues and charges on its way to the Treaty Port.

On the other part, China agrees that any such native produce having paid all inland dues and charges on the way to the port from the place of purchase, shall be entitled to the return of any amount that may have been thus paid over and above the Treaty transit due (half export duty), provided exportation by British merchants to a foreign port takes place within twelve months.

It is further agreed that native produce shipped to another Treaty Port shall not be entitled to such refund.

ARTICLE V.

Chinese Produce shipped from Hong Kong to a Treaty Port.

It is agreed that Chinese produce shipped from Hong Kong to a Treaty Port shall not be carried inland under the transit rule, but shall pay dues, duties, and inland charges like all other native produce at all barriers passed.

Native Produce shipped from Treaty Ports to and from Hong Kong.

On the other part, China agrees to issue to native produce shipped by British merchants from Treaty Ports to Hong Kong the ordinary export duty proofs, and to collect on such produce, on arrival at a second Treaty Port, the ordinary coast trade (half import) duty.

ARTICLE VI.

Wenchow to be a Treaty Port.

It is agreed that the port of Wenchow, in Chê-kiang, shall be opened to British trade (see **No. 12**, § III (i)),

Kiungchow [Hainan] not to be a Treaty Port,

and that Kiungchow [Hainan], named in the Treaty of Tientsin (**No. 6**, Art. XI) shall be removed from the list of Treaty Ports.

ARTICLE VII.

Payment of Tonnage Dues.

It is agreed that British merchant vessels shall not be called on to pay tonnage dues oftener than once in the four months.

On the other part, England agrees that British merchant vessels of every description, whether used for the transport or

storage of merchandise, conveyance of passengers, or residence (merchant ships, hulks, chops, &c.), as well as of craft of the Chinese type, owned by British subjects, shall pay tonnage dues according to their tonnage, if trading from port to port, on the expiration of their special certificates, and if used as hulks in port on the expiration of the term of four months, as the case may be.

ARTICLE VIII.

Ships' Manifests.

It is agreed that all British merchant vessels shall report to the Customs their port of destination, and shall hand in export manifests when about to clear.

On the other part, China agrees that the amount of any fine for false manifests where British subjects are concerned shall be determined in accordance with the special circumstances, and shall not in any case exceed the sum of 500 taels.

ARTICLE IX.

Fines and Confiscations for Breaches of Customs Regulations.

It is agreed that in all cases of fines arising out of breaches of Customs Regulations, the Superintendent or the Commissioner of Customs may have a seat on the bench, and take part with the British Consul in inquiring into the case.

And that in all cases of confiscation arising out of breaches of Customs Regulations the British Consul may have a seat on the bench with the Superintendent or the Commissioner of Customs, and take part in inquiring into the case.

Commercial Code.

It is further agreed that England and China shall in consultation draw up a Commercial Code.

ARTICLE X.

Pilots.

On the one part China agrees to issue licences to pilots.

On the other part England agrees to punish British subjects piloting, or who employ persons to pilot, not having licences.

Restraint of Crews of Ships.

It is further agreed that effect shall be given to the stipulation of the Treaty of Tientsin that, "for the due restraint of crews of ships, regulations will be drawn up by the Consuls and the local authorities."

ARTICLE XI.

Drawbacks.

It is agreed that drawbacks issued to foreign goods re-exported by British merchants to foreign countries within three months from the date of importation shall be convertible (at the Haikwan bank) into cash.

On the other part, England agrees that foreign goods, re-exported by British merchants to foreign countries after the expiration of three years from the date of importation, shall not be entitled to drawback of import duty.

ARTICLE XII.

Opium.

It is agreed that opium shall pay import duty at an increased rate.

On the other part, China agrees:—

Passports. British Subjects visiting non-Treaty Ports or Places in the Interior.

1. That British subjects holding passports may use their own vessels, resembling Chinese craft, and propelled by oars or sails, when visiting non-Treaty Ports or places in the interior.

Bonded Warehouses.

2. That bonded warehouses shall be established for British subjects at such Treaty Ports as may be expedient.

Trading at Kiukiang.

3. That the Superintendent of Customs at Kiukiang shall provide a tug for the use of British-owned Chinese-like boats on the Poyang, and in the vicinity of Hukow.

Bonds for Re-exportation of Teas.

4. That bonds entered into by British merchants for the re-export of teas shipped from Yang-tsze ports shall as an experiment be done away with.

Opening of Coal Mines.

5. That the Imperial Commissioner in the south shall open coal mines at two or three places; and

Reduction of Duty on Native Coal.

6. That the duty on native coal, exported by British merchants from the southern ports, shall be reduced.

ARTICLE XIII.

Export Duty on Silk.

It is agreed that silk shall pay export duty at an increased rate. On the other part, China agrees:—

Wuhu to be opened to Trade.

1. That Wuhu, in Anhui, shall be opened to British trade.

Re-exportation of Foreign Grain.

2. That foreign grain may be re-exported, and without payment of duty, by British merchants.

Duty-free Goods.

3. That materials used by British subjects in docks for the repairs of British vessels shall be exempt from duty.

4. That the list of duty-free goods for British household use and ships' stores shall be revised.

Foreign Coal and Guano.

5. That foreign coal and guano imported by British merchants shall be exempt from duty; and

Reduction of Import Duties on certain Articles.

6. That import duties shall be reduced on watches, pepper, black and white, tin plates, and timber imported by British subjects.

ARTICLE XIV.

Rules for fixing relation of Sycee to Customs Standard.

It is agreed that each Custom-House shall draw up rules fixing the touch of Sycee to be received in the payment of duties by the bank at each port.

It is further agreed that the various documents issued to British subjects (transit papers, passports, &c.) shall be returnable on the expiration of one year from the date of issue.

ARTICLE XV.

Confirmation of Articles not hereby revised.

It is agreed on both parts that the Articles untouched by the present revision shall be hereby declared to be renewed and confirmed, and that the revised version shall rule in the case of such Articles as the present revision affects.

ARTICLE XVI.

*Convention to be ratified.**

The present Convention shall be ratified, and the ratification shall be exchanged at Peking as soon as possible. In witness whereof the respective Plenipotentiaries have signed the present Convention, the Supplementary Regulations appended, and the Tariff affecting goods in respect of which duties have been hereby changed; and have appended thereto their seals.

Done at Peking in quadruplicate this 23rd day of October, in the year of our Lord 1869.

(L.S.) RUTHERFORD ALCOCK.
(L.S.) [Signatures of Chinese Plenipotentiaries.]

SUPPLEMENTARY RULES AND TARIFF.

Whereas it is expedient that Supplementary Regulations should be drawn up for the better explanation of the Articles of this Convention, the respective Plenipotentiaries do hereby agree that the appended Tariff and Rules—the latter being in 10 Articles hereinunder following—shall be equally binding on the Governments and subjects of both countries with the Convention itself.

In witness whereof they affix their seals and signatures.

(L.S.) RUTHERFORD ALCOCK.
(L.S.) [Signatures of Chinese Plenipotentiaries.]

Rule I.—*Imports specified, of unmistakable foreign origin, to circulate freely in Treaty-port Provinces after simultaneous payment of Import Duty and Transit Dues.*

1. The Convention permits certain specified commodities of foreign origin, viz., cottons, linens, woollens, woollen and cotton mixtures, &c., to circulate freely in Treaty-port provinces without further liability to inland dues or charges on payment simultaneously of import duty and transit due at the time of importation. When taken inland by British merchants in person, or by Chinese, the agents of British merchants, or by Chinese purchasers, while the British merchant will be required, as prescribed by the Treaty of Tientsin, to travel provided with the usual passport, the commodities aforesaid need not be accompanied by any transit certificate, and may be sold freely and at pleasure along the road, without being in any place called upon to pay further dues, duties, or inland charges. The various Customs stations passed by such commodities will, however, make such examination as is usual, in order to provide against fraudulent substitutions and the transport of prohibited articles.

* This Convention was not ratified. See Note, page 61.

Other foreign Imports in Treaty-port Provinces to be accompanied by Transit Certificates.

2. With the exception of those classes of commodities which are to pay import duty and transit due simultaneously, all other merchandise carried inland will continue to be exempt from all dues, duties, and charges *en route*, provided, having paid full import duty on importation and the tariff transit due when leaving the port to enter the interior, it is found to be accompanied by the ordinary proof of payment of the transit due, namely, a transit certificate.

Or to pay all Inland charges.

Such goods will be liable to all dues, duties, and charges, wherever found inland, if unaccompanied by transit certificates. Both British and Chinese merchants will be treated in accordance with the provisions herein set forth.

When both classes of Imports travel inland in Treaty-port Provinces in company, the former may be without Certificates, the latter to be certificated; or to pay all inland charges; and if uncertificated and not reported to be liable to confiscation.

3. When the commodities specified in the first clause of this Rule are carried inland in Treaty-port provinces, by either British or Chinese merchants, and when such commodities are accompanied by other foreign merchandise of the class provided for in the second clause of this Rule, the latter merchandise will be liable to all inland dues, duties, and charges, if not provided with transit certificates. Failure to report the presence of any such uncertificated merchandise, when passing Customs stations, or any attempt to defraud the revenue by carrying native produce in that guise, will subject all the goods of the same description to seizure and confiscation.

Foreign Imports specified in the First Clause to be certificated when carried to non-Treaty-port Provinces.

4. When commodities of the kinds specified in the first clause of this Rule, and which simultaneously paid import duty and transit due, are to be conveyed by either British or Chinese merchants to non-Treaty-port provinces, transit certificates should be procured from the Customs at the port started from, on the face of which will be distinctly set forth the name of the place for which the said commodities are destined. On their way from the port to the place thus set forth in the certificate, such certificated commodities will be exempt from all liability to inland charges, dues, or duties.

Transit Certificates in Treaty-port, and also in non-Treaty-port, Provinces cease to be a protection on the arrival of the Goods at the destination specified in the Certificate.

But in the event of its being discovered by any Customs station that may make examination that the merchandise contained in the packages is different from the commodities set forth in the certificate, or that the certificate is for a *less* quantity than it is accompanied by, the goods concerned will be confiscated. On the arrival of such duly certificated commodities at the place set forth in the certificate, the certificate will become invalid, and the commodities, having arrived at their place of destination, will be liable to whatever inland charges, dues, or duties the locality they are found in collects, and will thenceforth be treated like native produce in the localities concerned.

Rule II.—*Native Produce to pay all inland charges* en route *to a port.*

1. British merchants, whether going in person or sending Chinese agents into the interior for the purchase of native produce, should first obtain from the Customs a blank memorandum. The native produce purchased will be liable to all inland charges, dues, and duties on the way to the port, just like any other Chinese goods in Chinese hands.

Receipts to be given for all payments.

On the other hand, each Customs station or barrier will be required to certify to the receipt of the amount of dues, duties, or charges there collected, by making an official and duly sealed entry on the face of the blank memorandum. Any sale *in transitu* of the native produce to which the blank memoranda refer, will be punishable in accordance with the regulations.

Over-payments to be returned, and short payments to be made up, if sent foreign within 12 *months.*

2. On the arrival of such native produce on the last barrier, the merchant is to report his arrival to the Commissioner of Customs, and the goods are to await examination. The memorandum brought back from the interior is at the same time to be deposited with the Customs. Should such native produce be exported to a foreign port (Hong Kong excepted) within 12 months from the date of arrival, the exporter will, at the time of exportation, pay the usual export duty; and—as regards inland charges—while on the one hand the exporter will be called on to make up the amount by which the sums entered on the memorandum fall short of a Treaty transit-due (half export duty), on the other the Customs will refund to the exporter the amount by which such sums exceed the Treaty transit-due. Should the produce be shipped for conveyance to a Treaty Port, no make-up will be called for and no refund allowed.

Rule III.—*Drawbacks received in payment of other Duties.*

Foreign goods re-exported to a foreign country within 36 months from the date of arrival, if found to be in their original packages, with marks and numbers unchanged, will be entitled to receive the refund of the sum paid as import duty by a drawback, which shall be a valid tender for payment of other duties (tonnage dues excepted). Goods re-exported after the expiration of the said 36 months shall not be entitled to receive such drawback.

Convertible into Cash, i.e., *Silver.*

If re-exported within three months from the date of arrival, a drawback certificate will be issued at the Custom-House, which, on presentation at the Customs Bank, will be converted into cash. Goods re-exported after the expiration of the said term of three months will not be entitled to receive such convertible drawbacks.

As regards native produce, drawbacks for coast-trade duty will continue to be issued when the produce is re-shipped within 12 months from the date of arrival. If re-shipped after the expiration of that term, native produce will not be entitled to any drawback of coast-trade duty.

Rule IV.—*Inland Certificates returnable within* 13 *months.*

British merchants will be allowed one month's grace for the return of such documents as they may have taken out when going inland (passports, transit passes, &c.). All such documents become invalid on the expiration of 12 months from the date of issue; and, if not returned within 13 months from that date, the applications of the parties concerned for other documents will not be attended to.

Rule V.—*Bonded Warehouses.*

At such of the Treaty Ports as may be expedient, bonded warehouses will be established, and regulations for their working will be drawn up by the Inspector-General of Customs and the Superintendent of the port concerned. Where sufficient reasons for the non-establishment of such bonded warehouses exist, they will not be introduced.

Rule VI.—*Steam-tug on Poyang Lake.*

The Superintendent of Customs at Kiukiang will provide a steam-tug for the use of British merchants on the Poyang Lake and between Hankow and Kiukiang. The tug in question will be for the towing of British-owned vessels of the Chinese type, and a tariff of fees will be published, in accordance with which merchants whose boats may be towed will pay the Kiukiang Customs for that service.

Rule VII.—*British Merchants may use their own Vessels of Chinese type, and may rent lodgings, &c.*

British merchants who may go inland duly provided with passports to sell foreign goods, purchase native produce or carry native produce into the interior for sale are permitted to use their own vessels, if of the Chinese type and propelled by sail or oar, and, when in the interior, are permitted to rent for short periods either hotels or private houses where they may store their goods, but on which they are not to exhibit their Hong name or the style of their firm. Native produce purchased in the interior and entered on the memorandum for conveyance to a port, must not be sold in the interior. In the case of the inns or private houses thus rented from the Chinese, the British merchant is not to interfere to protect the landlord from the incidence of the taxes and charges for which his house or property is assessable. The Chinese of the locality must not annoy or maltreat the British merchant, and proclamations setting forth all that precedes have been prepared and will be sent to the Governors-General and Governors of the Provinces for publication everywhere.

As regards vessels of the Chinese type owned by British merchants and used by them to go to non-Treaty Ports or places in the interior, each such vessel must be registered at the Custom-House, where the Commissioner of Customs will issue a certificate of registration and the flag to be sailed under, the certificate to be countersealed by the Superintendent. Such vessels must exhibit the flag received from the Customs, and comply with the special rules and regulations drawn up for their management. Any vessel unprovided with a certificate of registration detected in the fraudulent use of a flag resembling the Customs flag, or flying the house flag of any foreign mercantile firm, or having a certificate and flying the flag of any foreign country, will be subject, with her cargo, to confiscation.

Rule VIII.—*Three Coal Mines to be worked experimentally—Kin-yung, Chu-kiang; and Lo-ping and Kelung, near the Poyang Lake.*

The Imperial Commissioner superintending foreign affairs in the South will inquire into the condition of Kin-yung, Lo-ping, and Kelung, and will depute officers to work the mines at those places as an experiment. The question of the employment of foreigners to assist in mining and of using foreign machinery will be left to be given effect to by the Imperial Commissioner. The coals produced will be for sale to British and Chinese merchants without distinction.

Rule IX.—*Household and Ships' Stores. Revised List of Duty-free Articles to be published.*

The Rules appended to the Tariff attached to the Treaty of Tientsin enumerated the articles that are to be admitted free

of duty for household use and as ships' stores. A revised list is to be drawn up by the Inspector-General of Customs, and will be hereto appended, of the articles that are thus to be admitted free for the use of British subjects. Should such articles be carried inland they will be dutiable, in accordance with the rule and practice that formerly obtained.

Rule X.—*Dock Stores to be admitted free of duty. List of Articles to be hereto appended.*

Docks owned by British merchants will be permitted to import such articles as they require for the repairs of ships free of duty. But on newly-built vessels there will be levied a duty of 5 per cent. *ad valorem*. Before being entitled to the privilege of importing their stores duty free, such docks must be registered at the Customs, and the owners must enter into such bonds as the Customs in question may consider necessary for the protection of the revenue. A list of the articles to be imported duty-free will be prepared by the Inspector-General of Customs, and appended hereto.

TARIFF.

Imports.

		T.	M.	C.	C.
Watches, émaillées à perles	Per pair	4	5	0	0
„ gold	„	1	0	0	0
„ silver	„	0	5	0	0
Pepper, white	Per 100 catties	0	4	0	0
„ black	„	0	2	0	0
Tin plates	„	0	2	0	0
Grain, foreign } Free, whether imported or exported, but to take					
Coal „ } out permits in accordance with the Customs					
Guano „ } regulations.					
Timber. Reduction to be made after full inquiry at Shanghai.					
Opium	Per 100 catties	50	0	0	0
And to be dealt with in accordance with the special rules respecting that drug.					

Exports.

		T.	M.	C.	C.
Silk, raw and thrown	Per 100 catties	20	0	0	0
„ yellow, from Szechuen	„	10	0	0	0
Coal, native (at the southern ports)	„	0	0	0	5
„ (at the northern ports)	„	0	0	4	0

(L.S.) RUTHERFORD ALCOCK.
(L.S.) [Signatures of Chinese Plenipotentiaries.]

(No. 12.) *AGREEMENT between Great Britain and China for the Settlement of the Yünnan Case, Official Intercourse, and Trade between the two Countries. Signed at Chefoo, 13th September,* 1876.

[Signed also in Chinese.]

With an Additional Article thereto for Regulating the Traffic in Opium. Signed in London, 18th July, 1885. **(No. 14.)**

[Ratifications exchanged at London, May 6, 1886.]

AGREEMENT negotiated between Sir Thomas Wade, K.C.B., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of China, and Li, Minister Plenipotentiary of His Majesty the Emperor of China, Senior Grand Secretary, Governor-General of the Province of Chih-li, of the First Class of the Third Order of Nobility.

THE negotiation between the Ministers above named has its origin in a despatch received by Sir Thomas Wade, in the spring of the present year, from the Earl of Derby, Principal Secretary of State for Foreign Affairs, dated the 1st January, 1876. This contained instructions regarding the disposal of three questions: first, a satisfactory settlement of the Yünnan affair; secondly, a faithful fulfilment of engagements of last year respecting intercourse between the high officers of the two Governments; thirdly, the adoption of a uniform system in satisfaction of the understanding arrived at in the month of September, 1875 (8th moon of the 1st year of the reign Kwang Sü), on the subject of rectification of conditions of trade. It is to this despatch that Sir Thomas Wade has referred himself in discussions on these questions with the Tsung-li Yamên, further reference to which is here omitted as superfluous. The conditions now agreed to between Sir Thomas Wade and the Grand Secretary are as follows:—

SECTION I.—*Settlement of the Yünnan Case.**

1. A Memorial is to be presented to the Throne, whether by the Tsung-li Yamên or by the Grand Secretary Li, is immaterial, in the sense of the Memorandum prepared by Sir Thomas Wade. Before presentation the Chinese text of the Memorial is to be shown to Sir Thomas Wade.

2. The Memorial having been presented to the Throne, and the Imperial Decree in reply received, the Tsung-li Yamên will communicate copies of the Memorial and Imperial Decree to Sir Thomas Wade, together with a copy of a letter from the Tsung-li Yamên to the Provincial Governments, instructing them to issue a Proclamation that shall embody at length the above Memorial and

* For correspondence between Great Britain and China upon the Yünnan Case &c., 1875–1877, see "State Papers," Vol. 71, page 933.

Decree. Sir Thomas Wade will thereupon reply to the effect that for two years to come officers will be sent by the British Minister, to different places in the provinces, to see that the proclamation is posted. On the application from the British Minister, or the Consul of any port instructed by him to make application, the high officers of the provinces will depute competent officers to accompany those so sent to the places which they go to observe.

Frontier Trade between Burmah and Yünnan.

3. In order to the framing of such regulations as will be needed for the conduct of the frontier trade between Burmah and Yünnan, the Memorial, submitting the proposed settlement of the Yünnan affair, will contain a request that an Imperial Decree be issued, directing the Governor-General and Governor, whenever the British Government shall send officers to Yünnan, to select a competent officer of rank to confer with them, and to conclude a satisfactory arrangement.

Stationing of British Officers at Tali Fu. Trade.

4. The British Government will be free for five years, from the 1st January next, being the 17th day of the 11th moon of the 2nd year of the reign of Kwang Sü, to station officers at Tali Fu, or at some other suitable place in Yünnan, to observe the conditions of trade; to the end that they may have information upon which to base the Regulations of trade when these have to be discussed. For the consideration and adjustment of any matter affecting British officers or subjects, these officers will be free to address themselves to the authorities of the province. The opening of the trade may be proposed by the British Government, as it may find best, at any time within the term of five years, or upon expiry of the term of five years.

Mission from India into Yünnan.

Passports having been obtained last year for a Mission from India into Yünnan, it is open to the Viceroy of India to send such Mission at any time he may think fit.

Amount of Indemnity to be paid by Chinese Government.

5. The amount of indemnity to be paid on account of the families of the officers and others killed in Yünnan; on account of the expenses which the Yünnan case has occasioned; and on account of claims of British merchants arising out of the action of officers of the Chinese Government up to the commencement of the present year, Sir Thomas Wade takes upon himself to fix at 200,000 taels, payable on demand.

Regret to be expressed by China at Yünnan Occurrence.

6. When the case is closed an Imperial letter will be written, expressing regret for what has occurred in Yünnan. The Mission bearing the Imperial letter will proceed to England immediately. Sir Thomas Wade is to be informed of the constitution of this Mission, for the information of his Government. The text of the Imperial letter is also to be communicated to Sir Thomas Wade by the Tsung-li Yamên.

SECTION II.—*Official Intercourse between High Officers in the Capital and the Provinces and between Consular Officers and Chinese Officials at the Ports;* Judicial Proceedings in Mixed Cases.*

Under this heading are included the conditions of intercourse between high officers in the capital and the provinces, and between Consular officers and Chinese officials at the ports; also the conduct of judicial proceedings in mixed cases.

1. In the Tsung-li Yamên's Memorial of the 28th September, 1875, the Prince of Kung and the Ministers stated that their object in presenting it had not been simply the transaction of business in which Chinese and foreigners might be concerned; Missions abroad and the question of diplomatic intercourse lay equally within their prayer.

Code of Etiquette to be drawn up.

To the prevention of further misunderstanding upon the subject of intercourse and correspondence, the present conditions of both having caused complaint in the capital and in the provinces, it is agreed that the Tsung-li Yamên shall address a Circular to the Legations, inviting foreign Representatives to consider with them a code of etiquette, to the end that foreign officials in China, whether at the ports or elsewhere, may be treated with the same regard as is shown them when serving abroad in other countries, and as would be shown to Chinese Agents so serving abroad. (See **No. 13.**)

The fact that China is about to establish Missions and Consulates abroad renders an understanding on these points essential.

Arrest and Punishment of Chinese for Criminal Acts against British Subjects.

2. The British Treaty of 1858 (**No. 6**), Article XVI, lays down that "Chinese subjects who may be guilty of any criminal act towards British subjects shall be arrested and punished by Chinese authorities according to the laws of China."

* See Memorandum, 10th December, 1880 (**No. 13**).

Trial and Punishment of British Subjects for Criminal Acts against Chinese.

"British subjects who may commit any crime in China shall be tried and punished by the Consul, or any other public functionary authorized thereto, according to the laws of Great Britain.

"Justice shall be equitably and impartially administered on both sides."

The words "functionary authorized thereto" are translated in the Chinese text, "British Government."

British Supreme Court at Shanghai.

In order to the fulfilment of its Treaty obligations, the British Government has established a Supreme Court at Shanghai, with a special code of rules, which it is now about to revise.

*Chinese Mixed Court at Shanghai.**

The Chinese Government has established at Shanghai a Mixed Court, but the officer presiding over it, either from lack of power or dread of unpopularity, constantly fails to enforce his judgments.

Administration of Justice at Treaty Ports.

It is now understood that the Tsung-li Yamên will write a Circular to the Legations, inviting foreign Representatives at once to consider with the Tsung-li Yamên the measures needed for the more effective administration of justice at the ports open to trade.

Crimes affecting British Subjects.

3. It is agreed that, whenever a crime is committed affecting the person or property of a British subject, whether in the interior or at open ports, the British Minister shall be free to send officers to the spot to be present at the investigation.

To the prevention of misunderstanding on this point Sir Thomas Wade will write a note to the above effect, to which the Tsung-li Yamên will reply, affirming that this is the course of proceeding to be adhered to for the time to come.

Judicial Proceedings in Mixed Cases.

It is further understood that, so long as the laws of the two countries differ from each other, there can be but one principle to guide judicial proceedings in mixed cases in China, namely, that the case is tried by the official of the defendant's nationality, the official of the plaintiff's nationality merely attending to watch the proceedings in the interests of justice. If the officer so attending be dissatisfied with the proceedings, it will be in his power to protest against them in detail. The law administered will be the

* See Part IV (No. 129).

law of the nationality of the officer trying the case. This is the meaning of the words "hui t'ung," indicating combined action in judicial proceedings in Article XVI of the Treaty of Tientsin (**No. 6**), and this is the course to be respectively followed by the officers of either nationality.

SECTION III.—*Trade. Area within which* Li-kin *ought not to be Collected. Foreign Concessions.*

1.* With reference to the area within which, according to the Treaties in force, *li-kin* ought not to be collected on foreign goods at the open ports, Sir Thomas Wade agrees to move his Government to allow the ground rented by foreigners (the so-called Concessions) at the different ports to be regarded as the area of exemption from *li-kin;*

Ichang, Wuhu, Wenchow, and Pakhoi to be opened to Trade.

And the Government of China will thereupon allow I-ch'ang in the Province of Hu-Pei, Wu-hu in An-Hui, Wên-Chôw in Che-Kiang, and Pei-hai (Pak-hoi) in Kwang-tung, to be added to the number of ports open to trade, and to become Consular stations.

Residence of British Officers at Chungking to watch British Trade.

The British Government will, farther, be free to send officers to reside at Ch'ung K'ing to watch the conditions of British trade in Ssu-Ch'uen. British merchants will not be allowed to reside at Ch'ung K'ing, or to open establishments or warehouses there, so long as no steamers have access to the port. When steamers have succeeded in ascending the river so far, further arrangements can be taken into consideration. (See **No. 18.**)

Tatung, Nganking, Hu-Kou, Wu-Such, Luchikou, and Shashih to be opened as Ports of Call.

It is further proposed as a measure of compromise that at certain points on the shore of the Great River, namely, Ta-t'ung, and Ngan-Ching,† in the Province of An-Hui; Hu-K'ou, in Kiang-Si; Wu-suëh, Lu-chi-k'ou, and Sha-shih,‡ in Hu-Kuang; these being all places of trade in the interior, at which, as they are not open ports, foreign merchants are not legally authorized to land or ship goods; steamers shall be allowed to touch for the purpose of landing or shipping passengers or goods, but in all instances by means of native boats only, and subject to the regulations in force affecting native trade.

* See Additional Article, 18th July, 1885 (**No. 14**).

† Nganking (Anking). See Treaty of 5th September, 1902 (**No. 28**), Article VIII, Section 12.

‡ Opened to trade by Treaty of Shimonoseki (**No. 62**), Article VI.

Collection of Li-kin *Duty at Ports of Call.*

Produce accompanied by a half-duty certificate may be shipped at such points by the steamers, but may not be landed by them for sale. And at all such points, except in the case of imports accompanied by a transit duty certificate, or exports similarly certificated, which will be severally passed free of *li-kin* on exhibition of such certificates, *li-kin* will be duly collected on all goods whatever by the native authorities.

Non-residence of Foreign Merchants at Ports of Call.

Foreign merchants will not be authorized to reside or open houses of business or warehouses at the places enumerated as ports of call.

Foreign Settlement Areas.

2.* At all ports opened to trade, whether by earlier or later agreement, at which no settlement area has been previously defined, it will be the duty of the British Consul, acting in concert with his colleagues, the Consuls of other Powers, to come to an understanding with the local authorities regarding the definition of the foreign settlement areas.

Importation of Opium. Import Duty and Li-kin.

3.* On Opium, Sir Thomas Wade will move his Government to sanction an arrangement different from that affecting other imports (see **No. 7**). British merchants, when Opium is brought into port, will be obliged to have it taken cognizance of by the Customs, and deposited in bond, either in a warehouse or a receiving hulk, until such time as there is a sale for it. The importer will then pay the Tariff duty upon it, and the purchasers the *li-kin*, in order to the prevention of the evasion of the duty. The amount of *li-kin* to be collected will be decided by the different Provincial Governments, according to the circumstances of each.

Transit Duty Certificates. Exemptions.

4. The Chinese Government agrees that transit duty certificates shall be framed under one rule at all ports, no difference being made in the conditions set forth therein; and that, so far as imports are concerned, the nationality of the person possessing and carrying these is immaterial. Native produce carried from an inland centre to a port of shipment, if *bonâ fide* intended for shipment to a foreign port, may be, by Treaty, certificated by the British subject interested, and exempted by payment of the half-duty from all charges demanded upon it *en route*. If produce be not the property of a British subject, or is being carried to a port not for exportation, it is not entitled to the exemption that would

* See Additional Article, 18th July, 1885 (**No. 14**).

be secured it by the exhibition of a transit duty certificate. The British Minister is prepared to agree with the Tsung-li Yamên upon rules that will secure the Chinese Government against abuse of the privilege as affecting produce.

Carriage of Imports Inland and of Native Produce purchased Inland.

The words "nei ti," inland, in the clause of Article VII of the Rules appended to the Tariff (**No. 7**), regarding carriage of imports inland, and of native produce purchased inland, apply as much to places on the sea coasts and river shores as to places in the interior not open to foreign trade; the Chinese Government having the right to make arrangements for the prevention of abuses thereat.

Drawbacks on Duty-paid Imports. Time Limit.

5. Article XLV of the Treaty of 1858 (**No. 6**) prescribes no limit to the term within which a drawback may be claimed upon duty-paid imports. The British Minister agrees to a term of three years, after expiry of which no drawback shall be claimed.

Date of giving Effect to foregoing Stipulations.

6. The foregoing stipulation, that certain ports are to be opened to foreign trade, and that landing and shipping of goods at six places on the Great River is to be sanctioned, shall be given effect to within six months after receipt of the Imperial Decree approving the Memorial of the Grand Secretary Li. The date for giving the effect to the stipulations affecting exemption of imports from *li-kin* taxation within the foreign settlements, and the collection of *li-kin* upon Opium by the Customs Inspectorate at the same time as the Tariff duty upon it, will be fixed as soon as the British Government has arrived at an understanding on the subject with other foreign Governments.*

Interference of Canton Customs Revenue Cruisers with Junk Trade of Hong Kong.

7. The Governor of Hong Kong having long complained of the interference of the Canton Customs Revenue cruisers with the junk trade of that Colony, the Chinese Government agrees to the appointment of a Commission, to consist of a British Consul, an officer of the Hong Kong Government, and a Chinese official of equal rank, in order to the establishment of some system that shall enable the Chinese Government to protect its revenue without prejudice to the interests of the Colony.†

* See Additional Article, 18th July, 1885 (**No. 14**).
† See Agreement, 11th September, 1886 (**No. 16**).

*Separate Article. British Mission to Tibet.**

Her Majesty's Government having it in contemplation to send a Mission of Exploration next year by way of Peking through Kan-Su and Koko-Nor, or by way of Ssu-Ch'uen to Thibet, and thence to India, the Tsung-li Yamên having due regard to the circumstances will, when the time arrives, issue the necessary passports, and will address letters to the high provincial authorities and to the Resident in Thibet. If the Mission should not be sent by these routes, but should be proceeding across the Indian frontier to Thibet, the Tsung-li Yamên, on receipt of a communication to the above effect from the British Minister, will write to the Chinese Resident in Thibet, and the Resident, with due regard to the circumstances, will send officers to take due care of the Mission; and passports for the Mission will be issued by the Tsung-li Yamên, that its passage be not obstructed.

Done at Chefoo, in the Province of Shan-tung, this 13th day of September, in the year of our Lord 1876.

(L.S.) THOMAS FRANCIS WADE.
(L.S.) LI HUNG-CHANG.

(No. 13.) *AGREEMENT between the British Minister at Peking and the Yamên respecting Personal Relations and Official Correspondence between Provincial Authorities and Consular Officers, 10th December,* 1880.

Protocol on Official Intercourse.

Peking, 7th November, 1879.

THE report of the Committee upon official intercourse having been this day read before a general meeting of the Representatives of Treaty Powers assembled in Peking, it was agreed that the attention of the Chinese Government should be invited to the propositions therein contained; but verbally, and not in correspondence.

THOMAS FRANCIS WADE.
M. VON BRANDT.
GEORGE F. SEWARD.
J. H. FERGUSON.
J. F. ELMORE.
FERD. DE LUCA.
HOFFER DE HOFFENFELS.
A. KOYANDER.
RAMON GUTIERREZ Y OSSA.
PATENOTRE.
UMB. SERRUYS.

* See Conventions, 24th July, 1886, and 17th March, 1890 (**Nos. 15** and **17**).

Inclosures.

(1.) *Report of the Committee on Official Intercourse.*

(2.) *Draft Memorandum to be left at the Yamên by Mr. Brenan.*

Peking, 22nd January, 1880.

THERE are certain improvements in the conditions of personal relations and of official correspondence between provincial authorities and Consular officers which the foreign Representatives now in Peking would wish to suggest to the Ministers of the Yamên.

The foreign Representatives are of opinion that, whether at a port or in the interior, a Consular officer having occasion to speak to the Governor-General or Governor of a province should be assured access to the high authority, and that when admitted into his Yamên he should be treated as a visitor, and not as the subordinate of the Chinese official.

In correspondence between Consular officers and provincial authorities the foreign Representatives would recommend the use of a form which does not suggest the existence of official subordination or the reverse between the persons engaged in the correspondence. They are of opinion that the form *wên yi* satisfies these conditions, and they would be glad to see it used instead of the forms now employed in all correspondence passing between Consular officers and provincial authorities, without regard to their rank.

In official communications the Consular officer is occasionally addressed or referred to as *kai ling shih;* it would, in the opinion of the foreign Representatives, be an improvement if, when the Consul is addressed, the word *keui* was substituted, and when he is referred to the name of the Consul was prefixed.

In written instructions from a higher to a lower official, red circles are drawn on the document to indicate that it is in the nature of a command. When a foreign official is addressed these marks are without meaning, and should not be used.

The above is submitted to the Ministers of the Yamên as a general statement of the changes desired. The details can be more fully considered in conference.

(3.) *Translation of Memorandum on Official Intercourse handed to Sir T. Wade by the Ministers of the Yamên, 24th September, as amended 13th November,* 1880.

THE Yamên have answered, clause by clause, the memorandum on the subject of forms of official intercourse received by them some time since.

As, however, the British Minister did not appear to be fully satisfied with this reply, and repeatedly urged at personal interviews such consideration of the question as would satisfactorily dispose of it, the Yamên have now drawn up a further set of propositions on the subject, which are as follows :—

(1.) [It was proposed that] "whether at a port or in the interior, a consular officer having occasion to speak to the Governor-General or Governor of a province, should be assured access to the high authority, and that when admitted into his Yamên he should be treated as a visitor and not as the subordinate of the Chinese official." At this moment in the provinces the Governors-General, Governors, and *Taotais*, even though the rank [of the foreign official] be not the same as theirs, invariably treat [the foreign official] in interviews with the forms due to a visitor.

Henceforward, whenever [the foreign officials] have business with them, it shall be equally incumbent on [the high authorities] to receive them, and whenever they are so received the forms observed shall be as between host and guest.

(2.) [It was proposed that] "in correspondence between Consular Officers and Provincial Authorities, a form should be used which does not suggest the existence of official subordination or the reverse between the persons engaged in the correspondence. The form *Wên-yi* seemed to the foreign representatives to satisfy these conditions, and they would be glad to see it used, instead of the forms now employed, in all correspondence passing between Consular Officers and Provincial Authorities, without regard to their rank."

There is a difference between the Treaties of different Powers. In some it is stipulated that "Consuls and Acting Consuls shall rank with Intendants of Circuit; and that Vice-Consuls, Acting Vice-Consuls, and Interpreters shall rank with Prefects, and shall communicate with these officers, either personally or in writing, on a footing of equality." This stipulation is especially intended to indicate the conditions of relative rank, and it would not be expedient for officers in the position of Governors-General and Governors, to use the form *Wên-yi* to Consuls and other officers indiscriminately. As, however, the constitution is not, in point of fact, seriously affected in this matter, some compromise should naturally be made, and it is now proposed that, while in ordinary official matters Consuls shall continue to address the *Taotai* in the *chao-hui* form, and the latter shall, on behalf of the Consul, report (*chuan shên*) to the Governor-General or Governor, who will continue to instruct the Taotai—direct communication between the higher official and the Consul being thereby diminished—on all matters of importance, the form of correspondence shall, without reference to the rank of the parties, be the "*chao-hui*," or communication.

(3.) It was proposed that, "in official correspondence the Consul should be addressed as '*kuei ling shih*,' and when he is referred to, that the name of the Consul should be prefixed." Also that

"as the circles and marks drawn on instructions from a higher official to a lower indicate that it is in the nature of a command, they should not be used in addressing a foreign official."

As there is no constitutional objection to either of the propositions, both may be acted upon.

The order of proceeding in the above propositions is agreed to by way of compromise, the motive whereof is a sincere desire to consolidate and improve friendly relations.

(4.) *The Prince of Kung in reply to the British Minister.*

10*th December*, 1880.

On the 21st of November, 1879, a Note was received from the British Minister [and his colleagues the representatives of the Treaty Powers] to the effect that "the undersigned had been engaged in conference upon certain matters [indicated] which might be said to include [almost every question] to which attention seemed to be demanded, whether for the removal of what might be characterised as a grievance, or for the introduction of changes that would modify what was, in appearance, either unreasonable or inexpedient; and [the undersigned] would shortly be prepared to lay before the Yamên the conclusions at which their deliberations had enabled them to arrive."

The Yamên replied to this Note on the 26th of November, and subsequently held frequent consultations with the British Minister. A memorandum was also drawn up, and forwarded to him in a semi-official Note, dated 20th November, 1880.

On the 24th of November* a semi-official Note was received from the British Minister to the effect that he had communicated this memorandum to his colleagues, who had decided to accept it, and he now had to request that it might be officially communicated to each of the foreign Representatives. The Yamên has written to all the provincial high authorities to inform their respective subordinates [of the changes that are now to be introduced], and they have further to communicate officially to the British Minister a copy of the memorandum in question.

* By a clerical error, the 23rd December is the date given.

(**No. 14.**) *ADDITIONAL ARTICLE to the Agreement between Great Britain and China signed at Chefoo on the 13th September*, 1876. *Signed at London, 18th July*, 1885.*

[Signed also in Chinese.]

[Ratifications exchanged at London, May 6, 1886.]

Area within which Li-kin *ought not to be collected on Foreign Goods.*

THE Governments of Great Britain and of China, considering that the arrangements proposed in Clauses 1 and 2 of Section III of the Agreement between Great Britain and China, signed at Chefoo on the 13th September, 1876 (hereinafter referred to as the "Chefoo Agreement") (**No. 12**), in relation to the area within which *li-kin* ought not to be collected on foreign goods at the open ports, and to the definition of the foreign Settlement area, require further consideration;

Traffic in Opium.

Also that the terms of Clause 3 of the same section are not sufficiently explicit to serve as an efficient regulation for the traffic in Opium, and recognizing the desirability of placing restrictions on the consumption of Opium, have agreed to the present Additional Article.

1. As regards the arrangements above referred to and proposed in Clauses 1 and 2 of Section III of the Chefoo Agreement (**No. 12**), it is agreed that they shall be reserved for further consideration between the two Governments.

Treatment of Foreign Opium on its Importation into China. Import and Li-kin *Duties.*

2. In lieu of the arrangement respecting Opium proposed in Clause 3 of Section III of the Chefoo Agreement (**No. 12**), it is agreed that foreign Opium, when imported into China, shall be taken cognizance of by the Imperial Maritime Customs, and shall be deposited in bond, either in warehouses or receiving-hulks which have been approved of by the Customs, and that it shall not be removed thence until there shall have been paid to the Customs the Tariff duty of 30 taels per chest of 100 catties, and also a sum not exceeding 80 taels per like chest as *li-kin*.

Repacking in Bond.

3. It is agreed that, the aforesaid import and *li-kin* duties having been paid, the owner shall be allowed to have the Opium repacked in bond under the supervision of the Customs, and put into packages of such assorted sizes as he may select from such

* See also Agreement respecting Opium Trade at Hong Kong, 11th September, 1886 (**No. 16**). For Reports of the Committee of the House of Commons and Minutes of Evidence on the Opium Trade, 1894—1895, see Parliamentary Papers [C 7313] [C 7397] [C 7419] [C 7471] [C 7473] [C 7723] and [C 7751].

sizes as shall have been agreed upon by the Customs authorities and British Consul at the port of entry.

Transit Certificate.

The Customs shall then, if required, issue gratuitously to the owner a transit certificate for each such package, or one for any number of packages, at the option of the owner.

No Transport Duty to be Levied.

Such certificate shall free the Opium to which it applies from the imposition of any further tax or duty whilst in transport in the interior, provided that the package has not been opened, and that the Customs' seals, marks, and numbers on the packages have not been effaced or tampered with.

Certificates only Valid in Chinese Hands.

Such certificate shall have validity only in the hands of Chinese subjects, and shall not entitle foreigners to convey or accompany any Opium in which they may be interested into the interior.

Regulations respecting Issue of Transit Certificates.

4. It is agreed that the Regulations under which the said certificates are to be issued shall be the same for all the ports, and that the form shall be as follows:—

"*Opium Transit Certificate.*

"This is to certify that Tariff and *li-kin* duties at the rate of taels per chest of 100 catties have been paid on the Opium marked and numbered as under; and that, in conformity with the Additional Article signed at London the 18th July, 1885, and appended to the Agreement between China and Great Britain signed at Chefoo the 13th September, 1876 (**No. 12**), and approved by the Imperial Decree printed on the back hereof, the production of this certificate will exempt the Opium to which it refers, wherever it may be found, from the imposition of any further tax or duty whatever, provided that the packages are unbroken, and the Customs' seals, marks, and numbers have not been effaced or tampered with.

"Mark.	No.	
X	—	00 packages.

"Port of entry,
"Date

"*Signature of Commissioner of Customs.*"

Respecting Taxation of Opium on opening of the Packages at place of Consumption.

5. The Chinese Government undertakes that when the package shall have been opened at the place of consumption the Opium

shall not be subjected to any tax or contribution, direct or indirect, other than or in excess of such tax or contribution as is or may hereafter be levied on native Opium.

In the event of such tax or contribution being calculated *ad valorem* the same rate, value for value, shall be assessed on foreign and native Opium, and in ascertaining for this purpose the value of foreign Opium the amount paid on it for *li-kin* at the port of entry shall be deducted from its market value.

Additional Article to form part of Chefoo Agreement.

6. It is agreed that the present Additional Article shall be considered as forming part of the Chefoo Agreement (**No. 12**), and that it shall have the same force and validity as if it were inserted therein word for word.

Date of coming into Operation.

It shall come into operation six months after its signature, provided the ratifications have then been exchanged, or if they have not, then on the date at which such exchange take place.

Duration of Additional Article.

7. The arrangement respecting Opium contained in the present Additional Article shall remain binding for four years, after the expiration of which period either Government may at any time give twelve months' notice of its desire to terminate it, and such notice being given, it shall terminate accordingly.

Right of Great Britain to terminate Additional Article in event of Certificate not exempting Opium from Taxation.

It is, however, agreed that the Government of Great Britain shall have the right to terminate the same at any time, should the transit certificate be found not to confer on the Opium complete exemption from all taxation whatsoever whilst being carried from the port of entry to the place of consumption in the interior.

Opium Regulations of 1858 *to revive in event of Termination of present Additional Article.*

In the event of the termination of the present Additional Article the arrangement with regard to Opium now in force under the Regulations (**No. 7**)* attached to the Treaty of Tientsin shall revive.

Additional Article may be modified.

8. The High Contracting Parties may, by common consent, adopt any modifications of the provisions of the present Additional Article which experience may show to be desirable.

* See Rule 5. Page 87.

Smuggling from China into Hong Kong.

9. It is understood that the Commission provided for in Clause 7 of Section III of the Chefoo Agreement (**No. 12**) to inquire into the question of the prevention of smuggling into China from Hong Kong shall be appointed as soon as possible.

Chefoo Agreement and this Additional Article to be Ratified together.

10. The Chefoo Agreement, together with, and as modified by, the present Additional Article, shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the Undersigned, duly authorized thereto by their respective Governments, have signed the present Additional Article, and have affixed thereto their seals.

Done at London, in quadruplicate (two in English and two in Chinese), this 18th day of July, 1885, being the 7th day of the 6th moon in the 11th year of the reign of Kwang-Sü.

(L.S.) SALISBURY.
(L.S.) TSÉNG.

Taxation of Opium. Right of British Government to withdraw from new Agreement and to revert to old System in event of other Powers not conforming to Provisions of Additional Article.

(1).—*The Marquess of Salisbury to the Marquess Tséng.*

M. le Ministre, *Foreign Office, 18th July*, 1885.

I HAVE the honour to address the present note to you in order to place on record the fact that, with the view of carrying out the proposal made by your Government, the following understanding has been come to between the Governments of Great Britain and China in regard to the Additional Article to the Chefoo Agreement (**No. 12**) relative to Opium which has been signed this day:—

It is understood that it shall be competent for Her Majesty's Government at once to withdraw from this new arrangement, and to revert to the system of taxation for Opium at present in operation in China, in case the Chinese Government shall fail to bring the other Treaty Powers to conform to the provisions of the said Additional Article.

It is further understood that in the event of the termination of the said Additional Article, the Chefoo Agreement (**No. 12**), with the exception of Clause 3 of Section 3, and with the modifications stipulated in Clause 1 of the said Additional Article, shall nevertheless remain in force.

I have the honour to request that you will acknowledge the receipt of this note, informing me that the understanding recorded in it is accepted by the Chinese Government.

I have, &c.,
SALISBURY.

(2).—*The Marquess Tséng to the Marquess of Salisbury.*

My Lord, *Chinese Legation, London, 18th July,* 1885.

In reply to your Lordship's note of this date, I have the honour to state that the Imperial Government accept the following as the expression of the understanding which has been come to between the Governments of Great Britain and China in regard to the Additional Article to the Chefoo Agreement (**No. 12**) relative to Opium, which has been signed this day:—

1. It is understood that it shall be competent for Her Majesty's Government at once to withdraw from this new arrangement and to revert to the system of taxation for Opium at present in operation in China, in case the Chinese Government shall fail to bring the other Treaty Powers to conform to the provisions of the said Additional Article.

2. It is further understood that, in the event of the termination of the said Additional Article, the Chefoo Agreement (**No. 12**), with the exception of Clause 3 of Section 3, and with the modifications stipulated in Clause 1 of the said Additional Article, shall nevertheless remain in force.

I have, &c.,
TSÊNG.

(**No. 15.**) *CONVENTION between Her Britannic Majesty and His Majesty the Emperor of China relative to Burmah and Tibet. Signed at Peking, 24th July,* 1886.

[Ratifications exchanged at London, August 25, 1887.]

Whereas Her Majesty the Queen of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of China, being sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires, and to promote and extend the commercial intercourse between their subjects and dominions, the following Convention has been agreed upon and concluded:—

On the part of Great Britain by Nicholas Roderick O'Conor, Esquire, Her Majesty's Secretary of Legation at Washington, and lately Her Majesty's Chargé d'Affaires in China, Companion of the Most Distinguished Order of St. Michael and St. George, duly empowered thereunto;

And on the part of China by his Highness Prince Ch'ing, President of the Tsung-li Yamên, and his Excellency Sun, Minister of the Tsung-li Yamên, Senior Vice President of the Board of Works.

ARTICLE I.

Decennial Missions from Burmah.

Inasmuch as it has been the practice of Burmah to send decennial missions to present articles of local produce, England

agrees that the highest authority in Burmah shall send the customary decennial missions, the members of the missions to be of Burmese race.

ARTICLE II.

British Authority and Rule in Burmah.

China agrees that, in all matters whatsoever appertaining to the authority and rule which England is now exercising in Burmah, England shall be free to do whatever she deems fit and proper.

ARTICLE III.*

Frontier between Burmah and China.

The frontier between Burmah and China to be marked by a Delimitation Commission.

Frontier Trade.

And the conditions of frontier trade to be settled by a Frontier Trade Convention, both countries agreeing to protect and encourage trade between China and Burmah.

ARTICLE IV.

British Mission to Tibet to be countermanded.

Inasmuch as inquiry into the circumstances by the Chinese Government has shown the existence of many obstacles to the Mission to Tibet provided for in the Separate Article of the Chefoo Agreement,† England consents to countermand the Mission forthwith.

Frontier Trade between India and Tibet.

With regard to the desire of the British Government to consider arrangements for frontier trade between India and Tibet, it will be the duty of the Chinese Government, after careful inquiry into the circumstances, to adopt measures to exhort and encourage the people with a view to the promotion and development of trade. Should it be practicable, the Chinese Government shall then proceed carefully to consider Trade Regulations; but if insuperable obstacles should be found to exist, the British Government will not press the matter unduly.

ARTICLE V.

Ratifications.

The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof the respective negotiators have signed the same and affixed thereunto the seals of their arms.

* See Convention, 1st March, 1894 (No. 20); and Agreement, 4th February, 1897 (No. 22).

† See page 80.

Done in triplicate at Peking this 24th day of July, in the year of our Lord 1886, corresponding with the Chinese date the 23rd day of the 6th moon of the 12th year of Kuang Hsü.

(L.S.) NICHOLAS RODERICK O'CONOR.
(L.S.) (Monogram) CH'ING.
(L.S.) (Monogram) SUN YÜ-WÊN.

(No. 16.) *AGREEMENT between Her Majesty's Consul at Tientsin, the Puisne Judge at Hong Kong, the Inspector-General of Customs, and the Joint Commissioners for China, respecting the Opium Trade at Hong Kong. Signed at Hong Kong, 11th September,* 1886.

MEMORANDUM of the Bases of Agreement arrived at after discussion between Mr. Byron Brenan, Her Majesty's Consul at Tientsin, Mr. James Russell, Puisne Judge of Hong Kong, and Sir Robert Hart, K.C.M.G., Inspector-General of Customs, and Shao-Tao-Tai, Joint Commissioners for China, in pursuance of Article VII, section 3, of the Agreement between Great Britain and China signed at Chefoo on the 13th September, 1876 (**No. 12**), and of section 9 of the Additional Article to the said Agreement signed at London on the 18th July, 1885 (**No. 14**).

Mr. Russell undertakes that the Government of Hong Kong shall submit to the Legislative Council an Ordinance for the regulation of the trade of the Colony in raw opium, subject to the conditions hereinafter set forth and providing—

1. For the prohibition of the import and export of opium in quantities less than one chest.*

2. For rendering illegal the possession of raw opium, its custody or control in quantities less than one chest, except by the opium farmer.

3. That all opium arriving in the Colony be reported to the Harbour-master, and that no opium shall be trans-shipped, landed, stored, or removed from one store to another, or re-exported, without a permit from the Harbour-master and notice to the opium farmer.

4. For the keeping by importers, exporters, and go-down owners, in such form as the Governor may require, books showing the movement of opium.

5. For taking stock of quantities in the stores, and search for deficiencies by the opium farmer, and for furnishing to the Harbour-master returns of stocks.

6. For amendment of Harbour Regulations as to night clearances of junks.

The conditions on which it is agreed to submit the Ordinance are—

* A modification allowing export in smaller quantities than one chest was subsequently agreed upon. (Mayers.)

1. That China arranges with Macao for the adoption of equivalent measures.

2. That the Hong Kong Government shall be entitled to repeal the Ordinance if it be found to be injurious to the revenue or to the legitimate trade of the Colony.

3. That an office under the Foreign Inspectorate shall be established on Chinese territory at a convenient spot on the Kowloon side for sale of Chinese opium-duty certificates, which shall be freely sold by all comers, and for such quantities of opium as they may require.

4. That opium accompanied by such certificates, at the rate of not more than 110 taels per picul, shall be free from all further imposts of every sort, and have all the benefits stipulated for by the Additional Article on behalf of opium on which duty has been paid at one of the ports of China, and that it may be made up in sealed parcels at the option of the purchaser.

5.* The junks trading between Chinese ports and Hong Kong, and their cargoes, shall not be subject to any dues or duties in excess of those leviable on junks and their cargoes trading between Chinese ports and Macao, and that no dues whatsoever shall be demanded from junks coming to Hong Kong from ports in China, or proceeding from Hong Kong to ports in China, over and above the dues paid or payable at the ports of clearance or destination.

6. That the officer of the Foreign Inspectorate, who will be responsible for the management of the Kowloon office, shall investigate and settle any complaints made by junks trading with Hong Kong against the Native Customs Revenue stations or cruisers, and that the Governor of Hong Kong, if he deems it advisable, shall be entitled to send a Hong Kong officer to be present at and assist in the investigation and decision. If, however, they do not agree, a reference may be made to the authorities at Peking for a joint decision.

Sir Robert Hart undertakes, on behalf of himself and Shao Tao-Tai (who was compelled by unavoidable circumstances to leave before the sittings of the Commission were terminated), that the Chinese Government shall agree to the above conditions.

The Undersigned are of opinion that if these arrangements are fully carried out a fairly satisfactory solution of the questions connected with the so-called "Hong Kong blockade" will have been arrived at.

Signed in triplicate at Hong Kong this 11th day of September, 1886.

BYRON BRENAN, *Her Britannic Majesty's Consul at Tientsin.*
J. RUSSELL, *Puisne Judge of Hong Kong.*
ROBERT HART, *Inspector General of Customs, China.*

* See Treaty of 5th September, 1902 (No. 28), Article III.

(No. 17.) *CONVENTION between Great Britain and China relating to Sikkim and Tibet. Signed at Calcutta, 17th March, 1890.**

[Signed also in Chinese.]

[Ratifications exchanged at London, August 27, 1890.]

WHEREAS Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of China are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires; and whereas recent occurrences have tended towards a disturbance of the said relations, and it is desirable to clearly define and permanently settle certain matters connected with the boundary between Sikkim and Tibet, Her Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject, and have, for this purpose, named Plenipotentiaries, that is to say:—

Her Majesty the Queen of Great Britain and Ireland, his Excellency the Most Honourable Henry Charles Keith Petty Fitzmaurice, G.M.S.I., G.C.M.G., G.M.I.E., Marquess of Lansdowne, Viceroy and Governor-General of India,

And His Majesty the Emperor of China, his Excellency Shêng Tai, Imperial Associate Resident in Tibet, Military Deputy Lieutenant-Governor;

Who, having met and communicated to each other their full powers, and finding these to be in proper form, have agreed upon the following Convention in eight Articles:—

ARTICLE I.

Boundary between Sikkim and Tibet.

The boundary between Sikkim and Tibet shall be the crest of the mountain range separating the waters flowing into the Sikkim Teesta and its affluents from the waters flowing into the Tibetan Mochu and northwards into other rivers of Tibet. The line commences at Mount Gipmochi on the Bhutan frontier, and follows the above-mentioned water-parting to the point where it meets Nipal territory.

ARTICLE II.

British Protectorate over Sikkim. Internal and Foreign Relations.

It is admitted that the British Government, whose Protectorate over the Sikkim State is hereby recognized, has direct and exclu-

* Parliamentary Paper, Treaty Series, No. 11 (1894). See Regulations respecting Trade, Official Communications, and Pasturage, 5th December, 1893 (**No. 19**); and Convention of 27th April, 1906 (**No. 32**).

sive control over the internal administration and foreign relations of that State, and except through and with the permission of the British Government, neither the Ruler of the State nor any of its officers shall have official relations of any kind, formal or informal, with any other country.

ARTICLE III.

Boundary to be Respected and Aggressive Acts on Frontier to be Prevented.

The Government of Great Britain and Ireland and the Government of China engage reciprocally to respect the boundary as defined in Article I, and to prevent acts of aggression from their respective sides of the frontier.

ARTICLE IV.

*Trade across Sikkim-Tibet Frontier.**

The question of providing increased facilities for trade across the Sikkim-Tibet frontier will hereafter be discussed with a view to a mutually satisfactory arrangement by the High Contracting Powers.

ARTICLE V.

Pasturage on Sikkim Side of Frontier.†

The question of pasturage on the Sikkim side of the frontier is reserved for further examination and future adjustment.

ARTICLE VI.

Official Communications. India and Tibet.‡

The High Contracting Powers reserve for discussion and arrangement the method in which official communications between the British authorities in India and the authorities in Tibet shall be conducted.

ARTICLE VII.

Commissioners to be appointed to consider Questions Reserved.

Two joint Commissioners shall, within six months from the ratification of this Convention, be appointed, one by the British Government in India, the other by the Chinese Resident in Tibet. The said Commissioners shall meet and discuss the questions which, by the last three preceding Articles, have been reserved. (See **No. 19.**)

* See Regulations, 5th December, 1893 (**No. 19**), Arts. I—VI.
† See Regulations, 5th December, 1893 (**No. 19**), Art. IX.
‡ See Regulations, 5th December, 1893 (**No. 19**), Arts. VII, VIII.

ARTICLE VIII.

Ratifications.

The present Convention shall be ratified, and the ratifications shall be exchanged in London as soon as possible after the date of the signature thereof.

In witness whereof the respective negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quadruplicate at Calcutta, this 17th day of March, in the year of our Lord 1890, corresponding with the Chinese date, the 27th day of the 2nd moon of the 16th year of Kuang Hsü.

(L.S.) LANSDOWNE.
(L.S.) [Signature of the Chinese Plenipotentiary.]

(No. 18.) *ADDITIONAL ARTICLE to the Agreement between Great Britain and China of September* 13, 1876, *declaring Chungking to be opened to Trade. Signed at Peking,* 31*st March,* 1890.

[Signed also in Chinese.]

[Ratifications exchanged at Peking, January 18, 1891.]

THE Governments of Great Britain and China, being desirous of settling in an amicable spirit the divergence of opinion which has arisen with respect to the first clause of the third section of the Agreement concluded at Chefoo in 1876 (**No. 12**), which stipulates that "The British Government will be free to send officers to reside at Chungking to watch the conditions of British trade in Szechuen, that British merchants will not be allowed to reside at Chungking, or to open establishments or warehouses there, so long as no steamers have access to the port, and that when steamers have succeeded in ascending the river so far, further arrangements can be taken into consideration," have agreed upon the following Additional Article:—

Chungking opened to Trade as Treaty Port.

I. Chungking shall forthwith be declared open to trade on the same footing as any other Treaty Port.

Traffic between Ichang and Chungking.

British subjects shall be at liberty either to charter Chinese vessels or to provide vessels of the Chinese type for the traffic between Ichang and Chungking.

Merchandise conveyed between Ichang and Chungking.

II. Merchandise conveyed between Ichang and Chungking by the above class of vessels shall be placed on the same footing as merchandise carried by steamers between Shanghai and Ichang, and shall be dealt with in accordance with Treaty, Tariff Rules, and the Yang-tsze Regulations.

Regulations for Vessels trading between Ichang and Chungking.

III. All Regulations as to the papers and flags to be carried by vessels of the above description, as to the cargo certificates with which they shall be provided, as to the re-package of goods for the voyage beyond Ichang, and as to the general procedure to be observed by those engaged in the traffic between Ichang and Chungking with a view to insuring convenience and security, shall be drawn up by the Superintendent of Customs at Ichang, the Taotai of the Ch'uan Tung Circuit, who is now stationed at Chungking, and the Commissioner of Customs in consultation with the British Consul, and shall be liable to any modifications that may hereafter prove to be desirable and may be agreed upon by common consent.

Payment of Port Dues by Chartered Junks.

IV. Chartered junks shall pay port dues at Ichang and Chungking in accordance with the Yang-tsze Regulations; vessels of Chinese type, if and when entitled to carry the British flag, shall pay tonnage dues in accordance with Treaty Regulations. It is obligatory on both chartered junks and also vessels of Chinese type, even when the latter may be entitled to carry the British flag, to take out the Maritime Custom-house special papers and a special flag when intended to be employed by British subjects in the transport of goods between Ichang and Chungking, and without such papers and flag no vessel of either class shall be allowed the privileges and immunities granted under this Additional Article. Provided with special papers and flag, vessels of both classes shall be allowed to ply between the two ports, and they and their cargoes shall be dealt with in accordance with Treaty Rules and the Yang-tsze Regulations. All other vessels shall be dealt with by the Native Customs. The special papers and flag issued by the Maritime Customs must alone be used by the particular vessel for which they were originally issued, and are not transferable from one vessel to another. The use of the British flag by vessels the property of Chinese is strictly prohibited. Infringement of these Regulations will, in the first instance, render the offender liable to the penalties in force at the ports hitherto opened under Treaty, and should the offence be subsequently repeated, the vessel's special papers and flag will be withdrawn, and the vessel herself refused permission thenceforward to trade between Ichang and Chungking.

Access of British Steamers to Chungking.

V. When once Chinese steamers carrying cargo run to Chungking, British steamers shall in like manner have access to the said port.

Additional Article to form part of Chefoo Agreement.

VI. It is agreed that the present Additional Article shall be considered as forming part of the Chefoo Agreement (**No. 12**), and as having the same force and validity as if it were inserted therein word for word.

Ratifications.

It shall be ratified, and the ratifications exchanged at Peking, and it shall come into operation six months after its signature, provided the ratifications have then been exchanged, or if they have not, then on the date at which such exchange takes place.*

Done at Peking in triplicate (three in English and three in Chinese), this 31st day of March, in the year of our Lord 1890, being the 11th day of the Second Intercalary Moon of the 16th year of Kuang Hsü.

(L.S.) JOHN WALSHAM.
(L.S.) [Signature of Chinese Plenipotentiary.]

(**No. 19.**) *REGULATIONS*† *regarding Trade, Official Communications, and Pasturage, to be appended to the Sikkim-Tibet Convention of* 1890 (**No. 17**). *Yatung opened to Trade. Signed at Darjeeling, 5th December,* 1893.‡

I. A trade mart shall be established at Yatung on the Tibetan side of the frontier, and shall be open to all British subjects for purposes of trade from the 1st day of May, 1894. The Government of India shall be free to send officers to reside at Yatung to watch the conditions of British trade at that mart.

II. British subjects trading at Yatung shall be at liberty to travel freely to and fro between the frontier and Yatung, to reside at Yatung, and to rent houses and godowns for their own accommodation, and the storage of their goods. The Chinese Government undertake that suitable buildings for the above purposes shall be provided for British subjects, and also that a special and fitting residence shall be provided for the officer or officers appointed by the Government of India under Regulation I to reside at Yatung. British subjects shall be at liberty to sell their goods to whomsoever they please, to purchase native commodities in kind or in money, to hire transport of any kind, and in general to conduct their business transactions in conformity with

* Ratifications exchanged 18th January, 1891.
† See Convention of 27th April, 1906 (**No. 32**).
‡ Parliamentary Paper, Treaty Series, No. 11 (1894).

local usage, and without any vexatious restrictions. Such British subjects shall receive efficient protection for their persons and property. At Lang-jo and Ta-chun, between the frontier and Yatung, where rest-houses have been built by the Tibetan authorities, British subjects can break their journey in consideration of a daily rent.

III. Import and export trade in the following articles: arms, ammunition, military stores, salt, liquors, and intoxicating or narcotic drugs, may, at the option of either Government, be entirely prohibited, or permitted only on such conditions as either Government, on their own side, may think fit to impose.

IV. Goods, other than goods of the description enumerated in Regulation III, entering Tibet from British India, across the Sikkim-Tibet frontier, or *vice versâ*, whatever their origin, shall be exempt from duty for a period of five years, commencing from the date of the opening of Yatung to trade, but after the expiration of this term, if found desirable, a tariff may be mutually agreed upon and enforced.

Indian tea may be imported into Tibet at a rate of duty not exceeding that at which Chinese tea is imported into England, but trade in Indian tea shall not be engaged in during the five years for which other commodities are exempt.

V. All goods on arrival at Yatung, whether from British India or from Tibet, must be reported at the Customs Station there for examination, and the report must give full particulars of the description, quantity, and value of the goods.

VI. In the event of trade disputes arising between British and Chinese or Tibetan subjects in Tibet, they shall be inquired into and settled in personal conference by the Political Officer for Sikkim and the Chinese Frontier Officer. The object of personal conference being to ascertain facts and do justice, where there is a divergence of views, the law of the country to which the defendant belongs shall guide.

Official Communications.

VII. Despatches from the Government of India to the Chinese Imperial Resident in Tibet shall be handed over by the Political Officer for Sikkim to the Chinese Frontier Officer, who will forward them by special courier.

Despatches from the Chinese Imperial Resident in Tibet to the Government of India will be handed over by the Chinese Frontier Officer to the Political Officer for Sikkim, who will forward them as quickly as possible.

VIII. Despatches between the Chinese and Indian officials must be treated with due respect, and couriers will be assisted in passing to and fro by the officers of each Government.

Pasturage.

IX. After the expiration of one year from the date of the opening of Yatung, such Tibetans as continue to graze their cattle

in Sikkim will be subject to such Regulations as the British Government may from time to time enact for the general conduct of grazing in Sikkim. Due notice will be given of such Regulations.

GENERAL ARTICLES.

Settlement of Differences.

I. In the event of disagreement between the Political Officer for Sikkim and the Chinese Frontier Officer, each official shall report the matter to his immediate superior, who, in turn, if a settlement is not arrived at between them, shall refer such matter to their respective Governments for disposal.

Duration and Revision of Regulations.

II. After the lapse of five years from the date on which these Regulations shall come into force, and on six months' notice given by either party, these Regulations shall be subject to revision by Commissioners appointed on both sides for this purpose, who shall be empowered to decide on and adopt such amendments and extensions as experience shall prove to be desirable.

Settlement of Questions reserved in Treaty of 17th March, 1890.

III. It having been stipulated that Joint Commissioners should be appointed by the British and Chinese Governments under the VIIth Article of the Sikkim-Tibet Convention (**No. 17**) to meet and discuss, with a view to the final settlement of the questions reserved under Articles IV, V, and VI of the said Convention; and the Commissioners thus appointed, having met and discussed the questions referred to, namely, Trade, Communication, and Pasturage, have been further appointed to sign the Agreement in nine Regulations and three General Articles now arrived at, and to declare that the said nine Regulations and the three General Articles form part of the Convention itself.

In witness whereof the respective Commissioners have hereto subscribed their names.

Done in quadruplicate at Darjeeling, this 5th day of December, in the year 1893, corresponding with the Chinese date the 28th day of the 10th moon of the 19th year of Kuang Hsü.

(L.S.) A. W. PAUL.
British Commissioner.
(L.S.) HO CHANG-JUNG.
JAMES H. HART.
Chinese Commissioners.

(No. 20.) *CONVENTION between Great Britain and China relative to Burmah and China. Boundaries, &c. Signed at London, March* 1, 1894.*

[Signed also in Chinese.]

[Ratifications exchanged at London, August 23, 1894.]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of China, being sincerely desirous of consolidating the relations of friendship and good neighbourhood which happily exist between the two Empires, have resolved to conclude a Convention with the view of giving effect to Article III of the Convention relative to Burmah and Tibet, signed at Peking on the 24th July, 1886 (**No. 15**), and have appointed as their Plenipotentiaries for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable the Earl of Rosebery, Knight of the Most Noble Order of the Garter, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

And His Majesty the Emperor of China, Sieh Ta-jên, Envoy Extraordinary and Minister Plenipotentiary of China at the Court of St. James', and Vice-President of the Imperial Board of Censors;

Who, having mutually communicated to each other their respective Full Powers, found to be in good and due form, have agreed upon the following Articles:—

ARTICLE I.†

Boundary. First Section.

It is agreed that the frontier between the two Empires, from latitude 25° 35′ north, shall run as follows:—

Commencing at the high conical peak situated approximately in that latitude and in longitude 98° 14′ east of Greenwich and 18° 16′ west of Peking, the line will follow as far as possible the crest of the hills running in a south-westerly direction through Koalang Pum and the Warong Peak and thence run nearly midway between the villages of Wanchon and Kaolang—leaving the former to Burmah and the latter to China—on to Sabu Pum.

From Sabu Pum the frontier will run in a line slightly to the south of west through Shatrung Pum to Namienku Pum; thence it will be continued, still running in a south-westerly direction,

* See Declaration between Great Britain and France of 15th January, 1896 (**No. 101**), Article IV.

† Modified by Convention of 4th February, 1897 (**No. 22**).

along the crest of the hills until it strikes the Tazar Kha River, the course of which it will follow from its source to its confluence with the Nam Tabet or Tabak Kha, thus leaving Uka to the east and Laipong to the west.

From the confluence of the Tazar Kha River with the Tabak Kha, the frontier will ascend the latter river to its junction with the Lekra Kha, which it will follow to its source near Nkrang. From the source of the Lekra Kha, leaving Nkrang, Kukum, and Singra to the west, and Sima and Mali to the east, the line will follow the Lesa Kha from its western source to its junction with the Mali River, and thence will ascend the Mali to its source near Hpunra Shikong; thence it will run in a south-westerly direction along the Laisa Kha from its source down to the point where it falls into the Molé River near Kadon, leaving the village of Kadon to the west and that of Laisa to the east.

The line will then follow the course of the Molé in a south-easterly direction to the place where it receives the Che Yang Kha, which latter river it will follow to its source in the Alau Pum. It will then be directed along the Nampaung River from its western source down to where it enters the Taping River.

This concludes the description of the first section of the frontier.

ARTICLE II.*

Boundary. Second Section.

The second section of the frontier, or that portion of it which extends from the Taping River to the neighbourhood of Meung Mao, will run as follows:—

Starting from the junction of the Khalong Kha with the Taping River, the frontier will follow the Khalong Kha and its western branch to its source; it will be drawn thence southward to meet the Sipaho or Lower Nanthabet at a spot immediately to the south-west of Hanton, leaving Matin to Great Britain and Loilong-ga-Tong, Tiêh-pi-Kwan, and Hanton to China; thence it will ascend the branch of the last-named river which has its source nearest to that of the Mantein Kha. It will thence follow the crests of the line of hills running in a south-easterly direction to the more southerly of the two places named Kadaw, which is close to the Namwan River, leaving Kadaw to China and Palen to Great Britain. It will follow the Namwan River in a south-westerly direction down to the point in about latitude 23° 55′, where that river takes a south-easterly course. Thence it will run in a direction somewhat west of south to the Nammak River, leaving Namkhai to Great Britain. It will follow the Nammak River to the point where it bifurcates in about latitude 23° 47′, and will then ascend the southern branch till it reaches the crest of a high range of hills to the south of Mawsiu, in about latitude 23° 45′.

* Modified by Convention of 4th February, 1897 (No. 22).

It will follow the crest of this range (which runs slightly to the north of east) until it reaches the Shweli River at its junction with the Nammak, thus leaving to China the district of Mawsiu, the spot recently identified as Tien-ma-Kwan, and the villages of Hinglong and Kongmow, lying to the north of the above-mentioned range.

It will then follow the course of the Shweli River, and where the river bifurcates it will follow the more southerly of the two branches, leaving to China the island formed by them, until it reaches a point near the eastern end of the loop which the river forms opposite to Meung Mao, as indicated in the next Article of the Convention.

Open Road between Bhamo and Namkhan.

The Government of China consent that the most direct of the roads between Bhamo and Namkhan, where it passes through the small portion of Chinese territory south of the Namwan, shall, while remaining entirely open to Chinese subjects and to the tribesmen subject to China, be free and open to Great Britain for travellers, commerce, and administrative purposes, without any restrictions whatever. Her Britannic Majesty's Government shall have the right, after communication with the Chinese authorities, to execute any works which may be desirable for the improvement or repair of the road, and to take any measures which may be required for the protection of the traffic and the prevention of smuggling.

Passage of Troops along Road.

It is equally agreed that British troops shall be allowed to pass freely along this road. But no body of troops more than 200 in number shall be dispatched across it without the consent of the Chinese authorities, and previous notice in writing shall be given of every armed party of more than 20 men.

ARTICLE III.*

Boundary. Third Section.

The third section of the frontier will run as follows:—

It will commence from a point on the Shweli River, near to the east end of the loop formed by that river opposite to Meung Mao; thence, paying due regard to the natural features and the local conditions of the country, it will trend in a south-easterly direction towards Ma-li-pa until it reaches, at a point in about longitude 98° 7′ east of Greenwich (18° 23′ west of Peking), and latitude 23° 52′, a conspicuous mountain range. It will follow the crests of that range through Loiaipong and Loipanglom until it reaches the Salween River, in about latitude 23° 41′.

This portion of the frontier from the Shweli to the Salween

* Modified by Convention of 4th February, 1897 (No. 22).

River shall be settled by the Boundary Commission provided for in Article VI of the present Convention, and in such a manner as to give to China at least as much territory as would be included if the frontier were drawn in a straight line from Meung Mao towards Ma-li-pa.

If it should be found that the most suitable frontier will give to China a larger amount of territory than is stated above, the compensation to be given to Great Britain on some other part of the frontier shall be matter for subsequent arrangement.

Kunlong given to Great Britain, and Kokang to China.

From latitude 23° 41′ the frontier will follow the Salween until it reaches the northern boundary of the circle of Kunlong. It will follow that boundary in an easterly direction, leaving the whole circle of Kunlong and the ferry of that name to Great Britain, and leaving to China the State of Kokang.*

Somu and Mêng Ting.

It will then follow the course of the river forming the boundary between Somu, which belongs to Great Britain, and Mêng Ting, which belongs to China. It will still continue to follow the frontier between those two districts, which is locally well known, to where it leaves the aforesaid river and ascends the hills; and will then follow the line of water-parting between the tributaries of the Salween and the Meikong Rivers, from about longitude 99° east of Greenwich (17° 30′ west of Peking), and latitude 23° 20′, to a point about longitude 99° 40′ east of Greenwich (16° 50′ west of Peking), and latitude 23°, leaving to China the Tsawbwaships of Kêng Ma, Mentung, and Mengko.

Chen-pien T'ing left to China.

At the last-named point of longitude and latitude the line strikes a very lofty mountain range, called Kong-Ming-Shan, which it will follow in a southerly direction to about longitude 99° 30′ east of Greenwich (17° west of Peking), and latitude 22° 30′, leaving to China the district of Chen-pien T'ing.

Munglem left to China and Manglün to Great Britain.

Then, descending the western slope of the hills to the Namka River, it will follow the course of that river for about 10′ of latitude, leaving Munglem to China and Manglün to Great Britain.

It will then follow the boundary between Munglem and Kyaing Tong, which is locally well known, diverging from the Namka River a little to the north of latitude 22°, in a direction uth of east, and generally following the crest of

* See footnote on page 104.

the hills till it strikes the Namlam River in about latitude 21° 45′ and longitude 100° east of Greenwich (16° 30′ west of Peking).

Kiang Hung.

It will then follow the boundary between Kaing Tong and Kiang Hung, which is generally formed by the Namlam River, with the exception of a small strip of territory belonging to Kiang Hung, which lies to the west of that river just south of the last-named parallel of latitude. On reaching the boundary of Kyaing Chaing, in about latitude 21° 27′, and longitude 100° 12′ east of Greenwich (16° 18′ west of Peking), it will follow the boundary between that district and Kiang Hung until it reaches the Meikong River.

ARTICLE IV.

Delimitation of Boundary to the North of Latitude 25° 35′ N. reserved.

It is agreed that the settlement and delimitation of that portion of the frontier which lies to the north of latitude 25° 35′ north shall be reserved for a future understanding between the High Contracting Parties when the features and conditions of the country are more accurately known.

ARTICLE V.*

Cession to China of States of Munglem and Kiang Hung.

In addition to the territorial concessions in Northern Theinni, and the cession to China of the State of Kokang, which result from the frontier as above described, Her Britannic Majesty, in consideration of the abandonment of the claims advanced by China to the territory lying outside and abutting on the frontier of the Prefecture of Yung Chang and Sub-Prefecture of Teng Yüeh, agrees to renounce in favour of His Majesty the Emperor of China, and of his heirs and successors for ever, all the suzerain rights in and over the States of Munglem and Kiang Hung† formerly possessed by the Kings of Ava concurrently with the Emperors of China.

* Modified by Convention of 4th February, 1897 (**No. 22**).

† KIANG HUNG.—On the 1st December, 1893, the French Government were officially informed by the British Government that no Treaty had then been signed between Great Britain and China, on the subject of the State of Kiang Hung, and that England had no intention of seeking to obtain any monopoly, either for railways, steam-boat companies, or any other mode of transit or communication, to the detriment of French commercial enterprises of the same kind; and that it was understood that, in that respect, the field would be left open to French and English enterprise. In return, the French Government stated that the delimitation of the French possessions on the side of Kiang Hung had not then been made, but that, in the negotiations on the subject which the French Government would have to carry on with the Chinese Government, they intended to be guided by the same principles as were laid down by the British Government in their communication of the 1st December, 1893. [Parliamentary Paper, Siam, No. 1, 1893.]

Non-cession of Munglem or Kiang Hung by China to any other Nation.

These and all other rights in the said States, with the titles, prerogatives, and privileges thereto pertaining, Her Majesty the Queen-Empress renounces as aforesaid, with the sole proviso that His Majesty the Emperor of China shall not, without previously coming to an agreement with Her Britannic Majesty, cede either Munglem or Kiang Hung,* or any portion thereof, to any other nation.

ARTICLE VI.†

Demarcation of Boundary Line. Joint Commission to be appointed, if necessary.

It is agreed that, in order to avoid any local contention, the alignments of the frontier described in the present Convention, and shown on the maps annexed thereto, shall be verified and demarcated, and, in case of its being found defective at any point, rectified by a Joint Commission appointed by the High Contracting Parties; and that the said Commission shall meet, at a place hereafter to be determined on by the two Governments, not later than 12 months after the exchange of the ratifications of the present Convention; and shall terminate its labours in not more than three years from the date of its first meeting.

Equivalent Compensations.

It is understood that any alterations in the alignment which the Joint Commission may find it necessary to make shall be based on the principle of equivalent compensations, having regard not only to the extent, but also to the value, of the territory involved. Further, that should the members of the Commission be unable to agree on any point, the matter of disagreement shall at once be referred to their respective Governments.

Situation of Hanlung Kwan to be identified, if possible.

The Commission shall also endeavour to ascertain the situation of the former frontier-post of China named Hanlung Kwan. If this place can be identified, and is found to be situated in British territory, the British Government will consider whether it can, without inconvenience, be ceded to China.

If it shall be found to the south-east of Meung Mao so as to be on the northern side of the straight line drawn from that place towards Ma-li-pa, it will in that case already belong to China.

* Under the Burmah Frontier Convention, as revised (**No. 22**), certain territorial compensations, including the State of Kokang, were made to Great Britain for the violation by the Chinese Government of that portion of the original Convention that related to Kiang Hung [Hansard's Debates, Vol. 47 (1897), page 296].

† Modified by Convention of 4th February, 1897 (**No. 22**).

ARTICLE VII.

Withdrawal of Military Posts, where necessary.

It is agreed that any posts belonging to either country which may be stationed within the territory of the other when the Commission of Delimitation shall have brought its labours to a conclusion shall, within eight months from the date of such conclusion, be withdrawn, and their places occupied by the troops of the other, mutual notice having in the meantime been given of the precise date at which the withdrawal and occupation will take place.

Maintenance of Good Order and Tranquillity of Tribes.

From the date of such occupation the High Contracting Parties shall each within his own territories hold itself responsible for the maintenance of good order, and for the tranquillity of the tribes inhabiting them.

Non-construction of Fortifications, &c., within Ten Miles of Frontier, except Posts necessary for Maintenance of Order.

The High Contracting Parties further engage neither to construct nor to maintain within 10 English miles from the nearest point of the common frontier, measured in a straight line and horizontal projection, any fortifications or permanent camps, beyond such posts as are necessary for preserving peace and good order in the frontier districts.

ARTICLE VIII.

Freedom of Trade between China and Burmah, except in Salt and Rice.

Subject to the conditions mentioned hereafter in Articles X and XI, the British Government, wishing to encourage and develop the land trade of China with Burmah as much as possible, consent, for a period of six years from the ratification of the present Convention, to allow Chinese produce and manufactures, with the exception of salt, to enter Burmah by land duty free, and to allow British manufactures and Burmese produce, with the exception of rice, to be exported to China by land free of duty.

Duties on Salt and Rice.

The duties on salt and rice so imported and exported shall not be higher than those imposed on their import or export by sea.

ARTICLE IX.*

Passage of Goods across Frontier by Manwyne and Sansi.

Pending the negotiation of a more complete arrangement, and until the development of the trade shall justify the establishment of other frontier Customs stations, goods imported from Burmah

* Modified by Convention of 4th February, 1897 (No. 22).

into China or exported from China into Burmah shall be permitted to cross the frontier by Manwyne and by Sansi.

Chinese Import and Export Duties. Frontier Trade.

With a view to the development of Trade between China and Burmah, the Chinese Government consent that for six years from the ratification of the present Convention the duties levied on goods imported into China by these routes shall be those specified in the General Tariff of the Maritime Customs diminished by three-tenths, and that the duties on goods exported from China by the same route shall be those specified in the same tariff diminished by four-tenths.

Transit Passes.

Transit passes for imports and exports shall be granted in accordance with the rules in force at the Treaty Ports.

Smuggled goods liable to Confiscation.

Smuggling or the carrying of merchandise through Chinese territory by other routes than those sanctioned by the present Convention shall, if the Chinese authorities think fit, be punished by the confiscation of the merchandise concerned.

ARTICLE X.

Contraband Articles. Munitions of War.

The following articles, being munitions of war, shall neither be exported from Burmah into China, nor imported from China into Burmah, save at the requisition of the Government desiring their importation; neither shall they be sold to parties other than those who have been duly authorized by their respective Governments to purchase them:—

Cannon, shot and shell, cartridges, and ammunition of all kinds, fire-arms and weapons of war of every description. Saltpetre, sulphur, brimstone, gunpowder, dynamite, gun-cotton, or other explosives.

ARTICLE XI.

Salt.

The exportation from Burmah into China of salt is prohibited.

Cash, Rice, Pulse, and Grains.

The exportation from China into Burmah of cash, rice, pulse and grains of every kind is prohibited.

Opium and Spirituous Liquors.

The importation and exportation across the frontier of opium and spirituous liquors is prohibited, excepting in small quantities for the personal use of travellers. The amount to be permitted will be settled under Customs Regulations.

Prohibited Goods liable to Confiscation.

Infractions of the conditions set forth in this and the preceding Article will be punishable by confiscation of all the goods concerned.

ARTICLE XII.*

Navigation of the Irrawaddy by Chinese Vessels, Dues, &c. Encouragement of Mining Enterprise.

The British Government, wishing to promote frontier trade between the two countries by encouraging mining enterprise in Yünnan and in the new territorial acquisitions of China referred to in the present Convention, consent to allow Chinese vessels carrying merchandise, ores, and minerals of all kinds, and coming from or destined for China, freely to navigate the Irrawaddy on the same conditions as to dues and other matters as British vessels.

ARTICLE XIII.*

Appointment of Chinese Consul at Rangoon, and of British Consul at Manwyne.

It is agreed that His Majesty the Emperor of China may appoint a Consul in Burmah, to reside at Rangoon; and that Her Britannic Majesty may appoint a Consul to reside at Manwyne;†

Consular Privileges, &c.

and that the Consuls of the two Governments shall each within the territories of the other enjoy the same privileges and immunities as the Consuls of the most-favoured nation.

Appointment of Additional Consuls.

Further, that, in proportion as the commerce between Burmah and China increases, additional Consuls may be appointed by mutual agreement, to reside at such places in Burmah and Yünnan as the requirements of the trade may seem to demand.

Correspondence.

The correspondence between the British and Chinese Consuls respectively, and the chief authority at the place where they reside, shall be conducted on terms of perfect equality.

ARTICLE XIV.*

Passports.

Passports, written in Chinese and English, and identical in terms to those issued to foreigners at the Treaty Ports in China, shall, on

* Modified by Convention of 4th February, 1897 (No. 22).

† Momein (Tengyueh) was substituted for Manwyne, under Article XIII of the Convention of 4th February, 1897 (No. 22).

the application of the proper British authorities, be issued to British merchants and others wishing to proceed to China from Burmah, by the Chinese Consul at Rangoon or by the Chinese authorities on the frontier; and Chinese subjects wishing to proceed to Burmah from China shall, on the application of any recognized Chinese official, be entitled to receive similar passports from Her Britannic Majesty's Consul at Manwyne or other convenient places in China where there may be a British Consular officer.

ARTICLE XV.

Extradition of Criminals.

Should criminals, subjects of either country, take refuge in the territory of the other, they shall, on due requisition being made, be searched for, and on reasonable presumption of their guilt being established, they shall be surrendered to the authorities demanding their extradition.

"Due requisition" shall be held to mean the demand of any functionary of either Government possessing a seal of office, and the demand may be addressed to the nearest frontier officer of the country in which the fugitive has taken refuge.

ARTICLE XVI.

Telegraphic Communications.

With a view to improving the intercourse between the two countries, and placing the Chinese Consul at Rangoon in communication with the High Provincial Authorities in Yünnan, the High Contracting Parties undertake to connect the telegraphic systems of the two countries with each other as soon as the necessary arrangements can be made; the line will, however, at first only be used for the transmission of official telegrams and of general messages for and from Burmah and the Province of Yünnan.

ARTICLE XVII.

Subjects of either Country to enjoy Most-favoured-nation Treatment.

It is agreed that subjects of the two Powers shall each within the territories of the other enjoy all the privileges, immunities, and advantages that may have been, or may hereafter be, accorded to the subjects of any other nation.

ARTICLE XVIII.

Mutual Commercial Concessions. Burmah-China Overland Trade.

It is agreed that the commercial stipulations contained in the present Convention being of a special nature and the result of mutual concessions, consented to with a view to adapting them to conditions and the peculiar necessities of the Burmah-China

overland trade, the advantages accruing from them shall not be invoked by the subjects of either Power residing at other places where the two Empires are conterminous, excepting where the same conditions prevail, and then only in return for similar concessions.

ARTICLE XIX.*

Commercial Arrangements experimental only.

The arrangements with regard to trade and commerce contained in the present Convention being of a provisional and experimental character, it is agreed that should subsequent experience of their working, or a more intimate knowledge than is now possessed of the requirements of the trade, seem to require it, they may be revised at the demand of either party after a lapse of six years after the exchange of ratifications of the present Convention, or sooner should the two Governments desire it.

ARTICLE XX.

Ratifications.

The ratification of the present Convention under the hand of Her Britannic Majesty and of His Majesty the Emperor of China shall be exchanged in London in six months from this day of signature, or sooner, if possible.

The Convention shall come into force immediately after the exchange of ratifications.

In token whereof the respective Plenipotentiaries have signed this Convention in four copies, two in Chinese and two in English.

Done at London this 1st day of March, 1894, corresponding to the 24th day of the 1st moon of the 20th year of Kuang Hsü.

(L.S.) ROSEBERY.
(L.S.) SIEH.

Declaration. Convention applicable to Burmah and China only.

On proceeding to the signature, this day, of the Convention between Great Britain and China, giving effect to Article III of the Convention relative to Burmah and Tibet, signed at Peking on the 24th July, 1886 (**No. 15**).

The undersigned Plenipotentiaries declare that, inasmuch as the present Convention has been concluded for the special purpose mentioned in the preamble thereof, the stipulations contained therein are applicable only to those parts of the dominions of Her Britannic Majesty and of His Majesty the Emperor of China to which the said Convention expressly relates, and are not to be construed as applicable elsewhere.

Done at London the 1st day of March, 1894.

(L.S.) ROSEBERY.
(L.S.) SIEH.

* Modified by Convention of 4th February, 1897 (**No. 22**).

(No. 21.) *CONVENTION between Great Britain and China respecting the Junction of the Chinese and Burmese Telegraph Lines.** *Signed at Tientsin, 6th September,* 1894.

[Signed also in Chinese.]

ARTICLE I.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Majesty the Emperor of China, with a view to facilitating international telegraph communication, have resolved to effect a junction between the telegraph lines of the two States on the frontier of Burmah and Yünnan.

ARTICLE II.

The junction shall be effected between the British station at Bhamo and the Chinese station at Tengyueh (Momein), at a point situated conveniently near to where the main route of communication between those places crosses the frontier. The exact point of junction is to be arranged as soon as possible.

An intermediate station will be established at Manwyne.

ARTICLE III.

The junction shall be effected as soon as possible, and at latest on the 31st May, 1895, unless prevented by accident or by *force majeure*, and in that case as soon as possible thereafter.

ARTICLE IV.

The Indian and the Chinese Telegraph Administrations shall establish, work, and maintain in good condition the line of connection, and shall exchange the correspondence by wire between the two stations named in Article II.

Each of the Contracting Parties shall bear the expense incurred for these purposes on its own territory, and will take care that the boundaries between the territories of the two Governments are scrupulously respected.

ARTICLE V.

The rules for the extra-European system laid down in the Service Regulations of the International Telegraph Convention shall be observed with regard to the technical treatment of telegrams transmitted over the line of connection described in Article II.

But in reckoning the number of words in telegrams between China or Hong Kong on the one side, and Burmah, India, or Ceylon on the other side, the rules of the European system laid

* Parliamentary Paper, Treaty Series, No. 9 (1895). Revised by the Convention of 23rd May, 1905 (**No. 30**).

down in the Service Regulations of the International Telegraph Convention shall be observed.

When the senders of telegrams do not expressly indicate the route by which they wish their telegrams to be forwarded, it is understood that at lower rates all correspondence, and at equal rates half the correspondence, shall be forwarded *viâ* the line of connection described in Article II, provided that the alternative routes are in equally good working order.

ARTICLE VI.

Each of the Contracting Parties fixes the charges for transmission of telegrams by its line up to the frontier of its own territory.

It is, however, agreed that before January, 1897, the charges declared in Article VII of this Convention cannot be raised, though each of the Contracting Parties reserves its right to reduce its own charges during that period, if it think fit.

ARTICLE VII.

In accordance with the stipulations of the preceding Article, the following charges per word are declared for correspondence exchanged *viâ* the line of connection described in Article II.

1. *Charges levied by the Indian Telegraph Administration.*

(A.)—Terminal Charges.

	Frs.
1. From stations in Burmah to the Chinese frontier	0·575
2. „ India „ „	0·825
3. „ Ceylon „ „	0·940

(B.)—Transit Charges.

Between the Chinese frontier, viâ Bhamo, and—

1. The Siamese frontier, viâ Moulmein	0·350
2. All other frontiers	1·500

2. *Charges levied by the Chinese Telegraph Administration.*

(A.)—Terminal Charges.

	Frs.
1. For correspondence exchanged by the Burmese-Yünnan line between Burmah, India, and Ceylon on the one side, and on the other side—	
(*a.*) Stations in Yünnan	0·750
(*b.*) All other stations situated on the Yang-tsze or to the south of the Yang-tsze	1·250
(*c.*) All stations situated to the north of the Yang-tsze, except those in Corea	2·250
(*d.*) Chinese stations in Corea	2·500
2. For correspondence exchanged by the Burmese-Yünnan line between China or Hong Kong on the one side, and Europe, or countries beyond Europe, on the other side	5·500
3. For correspondence exchanged by the Burmese-Yünnan line between other countries and—	
(*a.*) Stations in Yünnan	1·000
(*b.*) All other stations situated on the Yang-tsze or to the south of the Yang-tsze	1·500
(*c.*) All stations situated to the north of the Yang-tsze, except those in Corea	2·250
(*d.*) Chinese stations in Corea	2·500

[Chinese and Burmese Telegraph Lines.]

	Frs.
(B).—Transit Charges.	
1. Between the Burmese frontier, viâ Tengyueh (Momein), and all other frontiers, on correspondence exchanged between Europe and countries beyond Europe on the one side, and all other countries on the other side	5·500
2. On all other correspondence between the Burmese frontier, viâ Tengyueh (Momein), and—	
(*a.*) The Cable Companies at Hong Kong, Amoy, Foochow, and Shanghai	1·250
(*b.*) All other frontiers	2·500

The charges established for the correspondence between C on the one side, and Burmah, India, and Ceylon on the other are solely for correspondence actually exchanged betwee named neighbouring countries, and the Chinese European c spondence cannot be re-telegraphed at these rates by p agencies or persons at intermediate stations.

ARTICLE VIII.

The checking of the amount of correspondence exchang the line of junction shall take place daily by wire betwee stations named in Article II.

The settlement of accounts shall take place at the end of month, and the resulting balance shall be paid within one m after the end of the month, in account to the Indian Tele Administration at Calcutta, or to the Chinese Telegraph Adm tration at Shanghai.

The month shall be reckoned according to the Eur calendar.

Telegrams referring to the settlement of accounts sha considered as Service Telegrams, and transmitted free of ch

ARTICLE IX.

The rate of exchange for the collection of the charges d in Article VII, and for settlement of accounts, shall be:—

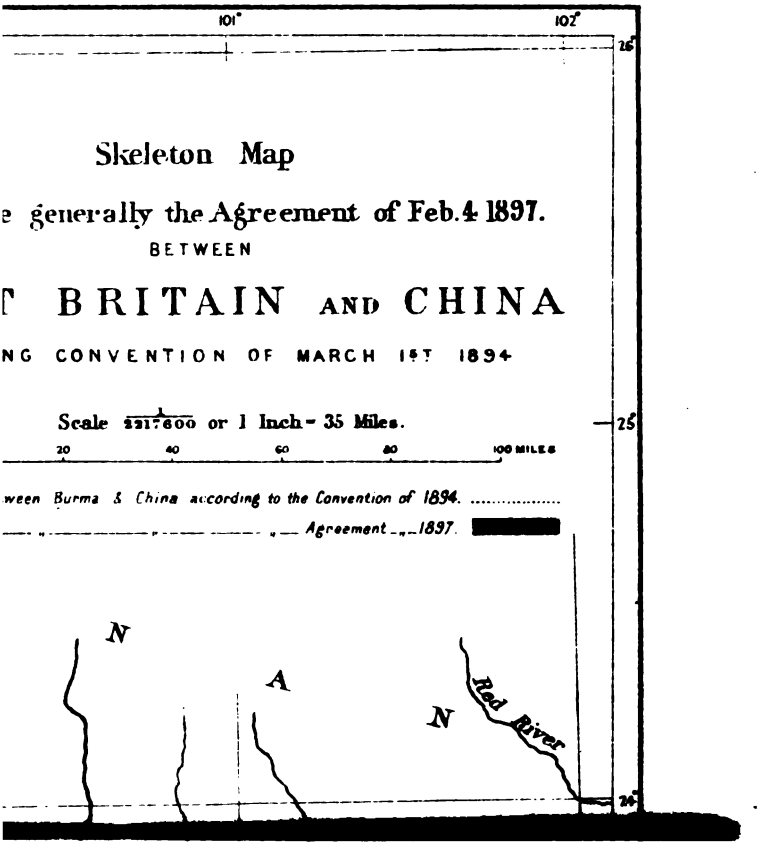
One franc reckoned as 0·60 of a rupee, and as 0·26 of a Mexican dolla

As regards outpayments to Telegraph Administrations l China and India, the Chinese and Indian Telegraph Admi tions will communicate to each other their amount, and this a the two Administrations will be at liberty to collect and set such rates as may protect them from loss.

ARTICLE X.

The present Convention shall come into force on the d its signature, and shall remain in force* for ten years, and thereafter continue in force until six months after one of the

* See Convention of 23rd May, 1905 (**No. 30**).


101°
102°
26°
Skeleton Map
e generally the Agreement of Feb.4 1897.
BETWEEN
BRITAIN AND CHINA
NG CONVENTION OF MARCH 1ST 1894
Scale 1/231,600 or 1 Inch = 35 Miles.
20
40
60
80
100 MILES
ween Burma & China according to the Convention of 1894.
Agreement 1897.
25°
N
A
N
Red River
24°

tracting Parties shall have given notice of its intention to modify or to abrogate it.

In witness whereof the undersigned, duly authorized to this effect, have signed the present Convention.

Done at Tientsin in four expeditions, of which two in the English language, and two in the Chinese language, the 6th day of September, 1894, corresponding with the 7th day of the 8th moon of the 20th year of the reign of Kwang-Hsü.

(L.S.) N. R. O'CONOR, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Peking.*

(L.S.) EARL LI, *The Imperial Commissioner First Grand Secretary of State, Viceroy of the Province of Chi-li.*

(No. 22.) *AGREEMENT between Great Britain and China modifying the Convention of March* 1, 1894, *relative to Burmah and China.** *Signed at Peking,* 4th *February,* 1897.

[Signed also in Chinese.]

[Ratifications exchanged at Peking, June 5, 1897.]

In consideration of the Government of Great Britain consenting to waive its objections to the alienation by China, by the Convention with France of the 20th June, 1895 (**No. 52**), of territory forming a portion of Kiang Hung, in derogation of the provisions of the Convention between Great Britain and China of the 1st March, 1894 (**No. 20**),† it has been agreed between the Governments of Great Britain and China that the following additions and alterations shall be made in the last-named Convention, hereinafter referred to as the original Convention :—

ARTICLE I.

Boundary. First Section.

It is agreed that the frontier between the two Empires from latitude 25° 35′ north shall run as follows :—

Commencing at the high peak situated approximately in that latitude and in longitude 98° 14′ east of Greenwich and 18° 16′ west of Peking, the line shall follow, as far as possible, the crest of

* Parliamentary Paper, Treaty Series, No. 7 (1897).
† See foot-note on page 104.

the hills running in a south-westerly direction to Warung Peak (Kaulyang), and shall extend thence to Sabu Pum.

From Sabu Pum the frontier shall run in a line along the watershed slightly to the south of west through Shatrung Pum to Namienku Pum.

Thence it shall follow a line to be fixed after local investigation, dividing the Szis and the Kumsas as far as the Tabak Kha; thence the Tabak Kha to the Namtabet; thence the Namtabet to the Paknoi Kha; thence the Paknoi Kha to its source near Talang Pum; thence the Talang Pum ridge to Bumra Shikong.

From Bumra Shikong the frontier shall follow a line running in a south-west direction to the Laisa Kha; thence the Laisa Kha to the Molè stream, running between Kadôn and Laisa; thence the Molè to its confluence with the Cheyang Kha; thence the Cheyang Kha to Alaw Pum; thence the Nampaung stream to the Taping.

ARTICLE II.

Boundary. Second Section.

(The Taping to the Shweli River.)

From the junction of the Taping and the Nampaung streams the frontier shall follow the Taping to the neighbourhood of the Lwalaing ridge; thence a line running approximately along the Lwalaing ridge and the Lwalaing stream to the Namwan; thence the Namwan to its junction with the Shweli.

Great Britain engages to recognize as belonging to China the tract to the south of the Namwan River, near Namkhai, which is inclosed to the west by a branch of the Nam Mak River and the Mawsiu range of hills up to Loi Chow Peak, and thence by the range running in a north-easterly direction to the Shweli River.

Lease to Great Britain.

In the whole of this area China shall not exercise any jurisdiction or authority whatever. The administration and control will be entirely conducted by the British Government, who will hold it on a perpetual lease from China, paying a rent for it, the amount of which shall be fixed hereafter.

ARTICLE III.

Boundary. Third Section.

(The Shweli to the Mekong.)

From the junction of the Namwan and Shweli the frontier shall follow the northern boundary of the State of North Hsinwi, as at present constituted, to the Salween, leaving to China the loop of the Shweli River, and almost the whole of Wanting, Mong-ko, and Mong-ka.

Starting from the point where the Shweli turns northward

near Namswan, *i.e.*, from the junction with the Namyang, the frontier shall ascend this latter stream to its source in the Mong-ko Hills, in about latitude 24° 7′ and longitude 98° 15′, thence continue along a wooded spur to the Salween at its junction with the Namoi stream. The line shall then ascend the Salween till it meets the north-west boundary of Kokang, and shall continue along the eastern frontier of Kokang* till it meets the Kunlong circle, leaving the whole circle of Kunlong to Great Britain.

The frontier shall then follow the course of the river forming the boundary between Somu, which belongs to Great Britain, and Mêng Ting, which belongs to China. It shall still continue to follow the frontier between those two districts, which is locally well known, to where it leaves the aforesaid river and ascends the hills, and shall then follow the line of water-parting between the tributaries of the Salween and the Meikong Rivers, from about longitude 99° east of Greenwich (17° 30′ west of Peking), and latitude 23° 20′, to a point about longitude 99° 40′ east of Greenwich (16° 50′ west of Peking), and latitude 23°, leaving to China the Tsawbwaships of Kêng Ma, Mengtung, and Mengko.

At the last-named point of longitude and latitude the line strikes a very lofty mountain range, called Kong-Ming-Shan, which it shall follow in a southerly direction to about longitude 99° 30′ east of Greenwich (17° west of Peking), and latitude 22° 30′, leaving to China the district of Chen-pien T'ing. Then, descending the western slope of the hills to the Namka River, it will follow the course of that river for about 10 minutes of latitude, leaving Munglem to China and Manglün to Great Britain.

The frontier shall then follow the boundary between Munglem and Kiang Tong, which is locally well known, diverging from the Namka River a little to the north of latitude 22°, in a direction somewhat south of east, and generally following the crest of the hills till it strikes the Namlam River in about latitude 21° 45′ and longitude 100° east of Greenwich (16° 30′ west of Peking).

It shall then follow the boundary between Kiang Tong and Kiang Hung, which is generally formed by the Namlam River, with the exception of a small strip of territory belonging to Kiang Hung, which lies to the west of that river, just south of the last-named parallel of latitude. On reaching the boundary of Western Kyaing Chaing, in about latitude 21° 27′ and longitude 100° 12′ east of Greenwich (16° 18′ west of Peking), the frontier shall follow the boundary between that district and Kiang Hung until it reaches the Mekong River.

ARTICLE IV.

[No addition to original Convention.]

* This cedes the State of Kokang to Great Britain. See foot-note on page 104.

ARTICLE V.

Non-cession of Mung Lem or Kiang Hung to any other Nation without previous consent of Great Britain.

It is agreed that China will not cede to any other nation either Mung Lem or any part of Kiang Hung on the right bank of the Mekong, or any part of Kiang Hung now in her possession on the left bank of that river, without previously coming to an arrangement with Great Britain.

ARTICLE VI.

Demarcation of Boundary. Power of Joint Commission to modify the Line.

Article VI of the original Convention shall be held to be modified as follows:—

It is agreed that, in order to avoid any local contention, the alignments of the frontier described in the present Agreement shall be verified and demarcated, and, in the event of their being found defective at any point, rectified by a Joint Commission appointed by the Governments of Great Britain and China, and that the said Commission shall meet at a place hereafter to be determined by the two Governments not later than twelve months from the date of the signature of the present Agreement, and shall terminate its labours in not more than three years from the date of its first meeting.

If a strict adherence to the line described would intersect any districts, tribal territories, towns, or villages, the Boundary Commission shall be empowered to modify the line on the basis of mutual concessions. If the members of the Commission are unable to agree on any point, the matter of disagreement shall at once be referred to their respective Governments.

ARTICLE VII.

[No addition to original Convention.]

ARTICLE VIII.

[No addition to original Convention.]

ARTICLE IX.

Routes for Passage of Goods across Frontier, in addition to those of Manwyne and Sansi.

Add as follows:—

In addition to the Manwyne and Sansi routes sanctioned by the Convention of 1894, the Governments of Great Britain and China agree that any other routes, the opening of which the Boundary Commissioners may find to be in the interests of trade, shall be sanctioned on the same terms as those mentioned above.

ARTICLE X.

[No addition to original Convention.]

ARTICLE XI.

[No addition to original Convention.]

ARTICLE XII.

Connection of Yünnan and Burmese Railways.

Add as follows :—

The Chinese Government agrees hereafter to consider whether the conditions of trade justify the construction of railways in Yünnan, and, in the event of their construction, agrees to connect them with the Burmese lines.

ARTICLE XIII.

Appointment of British Consuls at Momein (Tengyueh) or Shunning, and at Ssumao.

Whereas by the original Convention it was agreed that China might appoint a Consul in Burmah, to reside at Rangoon; and that Great Britain might appoint a Consul to reside at Manwyne; and that the Consuls of the two Governments should each within the territories of the other enjoy the same privileges and immunities as the Consuls of the most favoured nation, and, further, that, in proportion as the commerce between Burmah and China increased, additional Consuls might be appointed by mutual consent to reside at such places in Burmah and Yünnan as the requirements of trade might seem to demand.

It has now been agreed that the Government of Great Britain may station a Consul at Momein* or Shunning-fu, as the Government of Great Britain may prefer, instead of at Manwyne, as stipulated in the original Convention, and also to station a Consul at Ssumao.

Rights of British Subjects and of British Protected Persons.

British subjects and persons under British protection may establish themselves, and trade at these places, under the same conditions as at the Treaty Ports in China.

Correspondence.

The Consuls appointed as above shall be on the same footing as regards correspondence and intercourse with Chinese officials as the British Consuls at the Treaty Ports.

* Momein (Tengyueh) was selected.

ARTICLE XIV.

Passports.

Instead of "Her Britannic Majesty's Consul at Manwyne" in the original Convention, read "Her Britannic Majesty's Consul at Shunning or Momein," in accordance with the change made in Article XIII.

ARTICLE XV.

[No addition to original Convention.]

ARTICLE XVI.

[No addition to original Convention.]

ARTICLE XVII.

[No addition to original Convention.]

ARTICLE XVIII.

[No addition to original Convention.]

ARTICLE XIX.

Commercial Arrangements, failing agreement, to remain in force.

Add as follows:—

Failing agreement as to the terms of revision, the present arrangements shall remain in force.

SPECIAL ARTICLE.

*Opening of Ports on the West River.**

Whereas on the 20th day of January, 1896, the Tsung-li Yamên addressed an official despatch to Her Majesty's Chargé d'Affaires at Peking, informing him that on the 30th day of December, 1895, they had submitted a Memorial respecting the opening of ports on the West River to foreign trade, and had received an Imperial Decree in approval, of which they officially communicated a copy.

It has now been agreed that the following places, viz., Wuchow-fu, in Kwangsi, and Samshui City and Kong Kun Market, in Kwangtung, shall be opened as Treaty Ports and

* NANNING.—The Agreement as to the opening of Nanning is embodied in the following communication from the Tsung-li Yamên to Sir C. MacDonald:—

"Peking, 4th February, 1897.

"The negotiations regarding the Agreement modifying the Burmah—China Frontier and Trade Convention of the 1st March, 1894, and the Special Article opening the West River to trade having now been concluded, it has been agreed that if hereafter trade develops, and it is mutually found that the interests of trade justify it, China will at once open Nanning-fu as a Treaty Port and Consular station."

Consular stations, with freedom of navigation for steamers between Samshui and Wuchow and Hong Kong and Canton by a route from each of these latter places to be selected and notified in advance by the Imperial Maritime Customs, and that the following four places shall be established as ports of call for goods and passengers, under the same Regulations as the ports of call on the Yang-tsze River, namely, Kongmoon,* Komchuk, Shiuhing,† and Takhing.

Ratifications.

It is agreed that the present Agreement, together with the Special Article, shall come into force within four months of the date of signature, and that the ratifications thereof shall be exchanged at Peking as soon as possible; in witness whereof the Undersigned, duly authorized thereto by their respective Governments, have signed the present Agreement.

Done at Peking in triplicate—three copies in English, and three in Chinese—the 4th day of February, in the year of our Lord 1897.

CLAUDE M. MACDONALD.

(Seal.)

[Chinese signature of his Excellency Li.]

(Seal.)

(No. 23.) *EXCHANGE OF NOTES between Great Britain and China respecting the Non-alienation of the Yang-tsze Region.*‡ *Peking, 9/11th February,* 1898.

(1).—*Sir C. MacDonald to the Tsung-li Yamên.*

MM. les Ministres, *Peking, February* 9, 1898.

Your Highnesses and your Excellencies have more than once intimated to me that the Chinese Government were aware of the great importance that has always been attached by Great Britain to the retention in Chinese possession of the Yang-tsze region, now entirely hers, as providing security for the free course and development of trade.

I shall be glad to be in a position to communicate to Her Majesty's Government a definite assurance that China will never alienate any territory in the provinces adjoining the Yang-tsze to any other Power, whether under lease, mortgage, or any other designation. Such an assurance is in full harmony with the observations made to me by your Highnesses and your Excellencies.

I avail, &c.,

CLAUDE M. MACDONALD.

* Opened to trade by Treaty of 5th September, 1902 (**No. 28**), Article X.
† Chao-ching.
‡ Parliamentary Paper, China, No. 2 (1898).

(2).—*The Tsung-li Yamên to Sir C. MacDonald.*

Kuang Hsü, 24th year, 1st moon, 21st day
(Translation.) (*February* 11, 1898).

The Yamên have the honour to acknowledge the receipt of the British Minister's despatch of the 9th February, stating that the Yamên had more than once intimated to him that the Chinese Government were aware of the great importance that has always been attached by Great Britain to the retention in Chinese possession of the Yang-tsze region, now entirely hers, as providing security for the free course and development of trade. The British Minister would be glad to be in a position to communicate to Her Majesty's Government a definite assurance that China would never alienate (any territory) in the provinces adjoining the Yang-tsze to any other Power, whether under lease, mortgage, or any other designation.

The Yamên have to observe that the Yang-tsze region is of the greatest importance as concerning the whole position (or interests) of China, and it is out of the question that territory (in it) should be mortgaged, leased, or ceded to another Power. Since Her Britannic Majesty's Government has expressed its interest (or anxiety), it is the duty of the Yamên to address this note to the British Minister for communication to his Government.

They avail themselves, &c.

(No. 24.) *CONVENTION between Great Britain and China respecting an Extension of Hong Kong Territory.* Signed at Peking, 9th June,* 1898.

[Signed also in Chinese.]

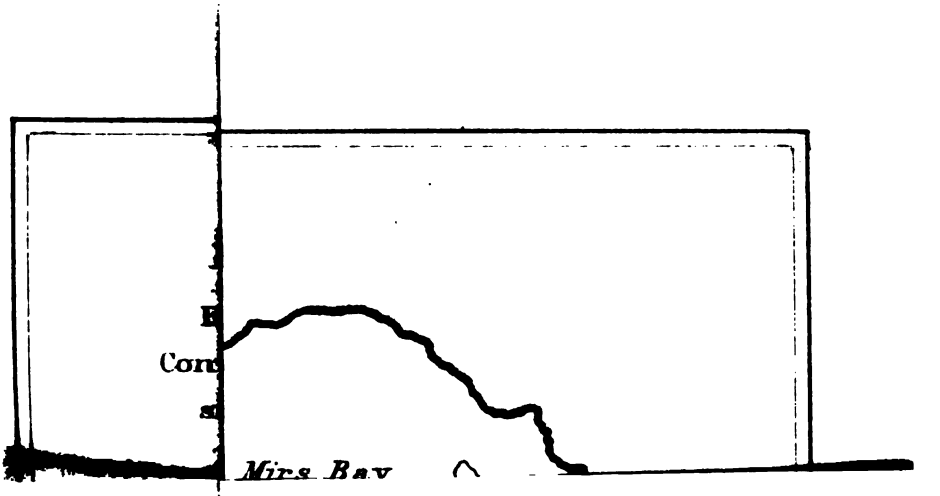
[Ratifications exchanged at London, August 6, 1898.]

WHEREAS it has for many years past been recognized that an extension of Hong Kong territory is necessary for the proper defence and protection of the Colony.

Enlargement of British Territory, under Lease.

It has now been agreed between the Governments of Great Britain and China that the limits of British territory shall be enlarged under lease to the extent indicated generally on the annexed map. The exact boundaries shall be hereafter fixed when proper surveys have been made by officials appointed by the two Governments. The term of this lease shall be ninety-nine years.

* Parliamentary Paper, Treaty Series, No. 16 (1898). See Article VI of the Convention of 24th October, 1860 (**No. 8**).


Mirs Bay

Jurisdiction.

It is at the same time agreed that within the city of Kowloon the Chinese officials now stationed there shall continue to exercise jurisdiction except so far as may be inconsistent with the military requirements for the defence of Hong Kong. Within the remainder of the newly-leased territory Great Britain shall have sole jurisdiction. Chinese officials and people shall be allowed as heretofore to use the road from Kowloon to Hsinan.

Use of Landing Place, near Kowloon, by Chinese.

It is further agreed that the existing landing-place near Kowloon city shall be reserved for the convenience of Chinese men-of-war, merchant and passenger vessels, which may come and go and lie there at their pleasure; and for the convenience of movement of the officials and people within the city.

Railway.

When hereafter China constructs a railway to the boundary of the Kowloon territory under British control, arrangements shall be discussed.

No Expropriation or Expulsion of Natives.

It is further understood that there will be no expropriation or expulsion of the inhabitants of the district included within the extension, and that if land is required for public offices, fortifications, or the like official purposes, it shall be bought at a fair price.

Extradition.

If cases of extradition of criminals occur, they shall be dealt with in accordance with the existing Treaties between Great Britain and China and the Hong Kong Regulations.*

Use of Mirs Bay and Deep Bay by Chinese Ships of War.

The area leased to Great Britain, as shown on the annexed map, includes the waters of Mirs Bay and Deep Bay, but it is agreed that Chinese vessels of war, whether neutral or otherwise, shall retain the right to use those waters.

Ratifications.

This Convention shall come into force on the 1st day of July, 1898, being the 13th day of the 5th moon of the 24th year of Kuang Hsü. It shall be ratified by the Sovereigns of the two countries, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the Undersigned, duly authorized thereto

* See Treaty of 26th June, 1858 (**No. 6**), Article XXI, and Hong Kong Ordinances of 1889 and 1897 (**Nos. 178** and **184**).

by their respective Governments, have signed the present Agreement.

Done at Peking in quadruplicate (four copies in English and four in Chinese) the 9th day of June, in the year of our Lord 1898, being the 21st day of the 4th moon of the 24th year of Kuang Hsü.

(L.S.) CLAUDE M. MACDONALD.

(L.S.) [Seal of Chinese Plenipotentiary.]

(No. 25.) *CONVENTION between Great Britain and China respecting Weihaiwei.** *Signed at Peking, 1st July,* 1898.

[Signed also in Chinese.]

[Ratifications exchanged at London, October 5, 1898.]

IN order to provide Great Britain with a suitable naval harbour in North China, and for the better protection of British commerce in the neighbouring seas, the Government of His Majesty the Emperor of China agree to lease to the Government of Her Majesty the Queen of Great Britain and Ireland Weihaiwei, in the Province of Shantung, and the adjacent waters, for so long a period as Port Arthur shall remain in the occupation of Russia.

Extent of Leased Territory. Jurisdiction.

The territory leased shall comprise the Island of Liu Kung, and all the Islands in the Bay of Weihaiwei, and a belt of land 10 English miles wide along the entire coast-line of the Bay of Weihaiwei. Within the above-mentioned territory leased Great Britain shall have sole jurisdiction.

Right to Erect Fortifications, &c.

Great Britain shall have in addition the right to erect fortifications, station troops, or take any other measures necessary for defensive purposes at any points on or near the coast of the region east of the meridian 121° 40′ east of Greenwich, and to acquire on equitable compensation within that territory such sites as may be necessary for water supply, communications, and hospitals. Within that zone Chinese administration will not be interfered with, but no troops other than Chinese or British shall be allowed therein.

Jurisdiction within the Walled City.

It is also agreed that within the walled city of Weihaiwei Chinese officials shall continue to exercise jurisdiction, except so

* Parliamentary Paper, Treaty Series, No. 14 (1898). See Exchange of Notes between Great Britain and Germany of 20th April, 1898 (No. 102).

far as may be inconsistent with naval and military requirements for the defence of the territory leased.

Rights of Chinese Ships of War.

It is further agreed that Chinese vessels of war, whether neutral or otherwise, shall retain the right to use the waters herein leased to Great Britain.

No Expropriation or Expulsion of Natives.

It is further understood that there will be no expropriation or expulsion of the inhabitants of the territory herein specified, and that if land is required for fortifications, public offices, or any official or public purpose, it shall be bought at a fair price.

Ratifications.

This Convention shall come into force on signature. It shall be ratified by the Sovereigns of the two countries, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the Undersigned, duly authorized thereto by their respective Governments, have signed the present Agreement.

Done at Peking in quadruplicate (four copies in English and four in Chinese), the 1st day of July, in the year of our Lord 1898, being the 13th day of the 5th moon of the 24th year of Kuang Hsü.

(L.S.) CLAUDE M. MACDONALD.

(L.S.) [Seal of Chinese Plenipotentiary.]

(No. 26.) *FINAL PROTOCOL between the Foreign Powers and China for the Resumption of Friendly Relations.* Signed at Peking, 7th September,* 1901.

Final Protocol, dated September 7, 1901.

[Signed also in Chinese.]

LES Plénipotentiaires d'Allemagne, son Excellence M. A. Mumm von Schwarzenstein; d'Autriche-Hongrie, son Excellence le Baron M. Czikann von Wahlborn; de Belgique, son Excellence M. Joostens; d'Espagne, son Excellence M. B. J. de Cólogan; les États-Unis d'Amérique, son Excellence M. W. W. Rockhill; de France, son Excellence M. Paul Beau; de Grande-Bretagne, son Excellence Sir Ernest Satow; d'Italie, son Excellence le Marquis Salvago Raggi; du Japon, son Excellence M. Jutaro Komura; des Pays-Bas, son Excellence M. F. M. Knobel; de Russie, son Excellence M. M. de Giers; et de Chine, son Altesse Yi-k'ouang, Prince du premier rang K'ing, Président du Ministère des Affaires

* Parliamentary Paper, Treaty Series, No. 17 (1902).

Étrangères, et son Excellence Li Hong-tchang, Comte du premier rang Sou-yi, Tuteur de l'Héritier Présomptif, Grand Secrétaire du Wen-houa-tien, Ministre du Commerce, Surintendant des ports du Nord, Gouverneur-Général du Tche-li ; se sont réunis pour constater que la Chine s'est conformée, à la satisfaction des Puissances, aux conditions énumérées dans la note du 22 Décembre, 1900, (**No. 195**) et qui ont été acceptées, dans leur entier, par Sa Majesté l'Empereur de Chine, par un Décret en date du 27 Décembre, 1900 (Annexe No. 1).*

ARTICLE I.

Reparation for Assassination of Baron von Ketteler, German Minister.

(*a.*) Par un Édit Impérial du 9 Juin dernier (Annexe No. 2), Tsai-feng, Prince du premier rang Tch'oun, a été nommé Ambassadeur de Sa Majesté l'Empereur de Chine, et a été chargé, en cette qualité, de porter à Sa Majesté l'Empereur d'Allemagne l'expression des regrets de Sa Majesté l'Empereur de Chine et du Gouvernement Chinois au sujet de l'assassinat de feu son Excellence le Baron von Ketteler, Ministre d'Allemagne.

Le Prince Tch'oun a quitté Pékin le 12 Juillet dernier pour exécuter les ordres qui lui ont été donnés.

(*b*) Le Gouvernement Chinois a déclaré qu'il érigera sur le lieu de l'assassinat de feu son Excellence le Baron von Ketteler un monument commémoratif, digne du rang du défunt, et portant une inscription en langues Latine, Allemande, et Chinoise, qui exprimera les regrets de Sa Majesté l'Empereur de Chine à propos du muertre commis.

Leurs Excellences les Plénipotentiaires Chinois ont fait savoir à son Excellence le Plénipotentiaire d'Allemagne, par une lettre en date du 22 Juillet dernier (Annexe No. 3), qu'un portique de toute la largeur de la rue est érigé sur le dit lieu, et que les travaux ont commencé le 25 Juin dernier.

ARTICLE II.

Punishment of Authors of Crimes committed against Foreign Governments and their Nationals.

(*a.*) Des Édits Impériaux en date des 13 et 21 Février, 1901 (Annexes Nos. 4, 5, et 6), ont infligé les peines suivantes aux principaux auteurs des attentats et des crimes commis contre les Gouvernements étrangers et leurs nationaux :

Tsai-yi, Prince Touan, et Tsai-lan, Duc Fu-kouo, ont été traduits, pour être exécutés, devant la Cour d'Assises d'Automne, et il a été stipulé que, si l'Empereur croit devoir leur faire grâce de leur vie, ils seront exilés au Turkestan, et y seront emprisonnés à perpétuité, sans que cette peine puisse jamais être commuée.

Tsai-hiun, Prince Tchouang, Ying-nien, Président de la Cour

* See also Protocol of 16th January, 1901 (**No. 196**).

des Censeurs, et Tchao Chou-k'iao, Président au Ministère de la Justice, ont été condamnés à se donner la mort.

Yu-hien, Gouverneur du Chansi; K'i-sieou, Président au Ministère des Rites; et Siu Tch'eng-yu, précédemment Directeur de Gauche au Ministère de la Justice, ont été condamnés à la peine de mort.

La dégradation posthume a été prononcée contre Kang-yi, Sous-Grand Secrétaire d'État, Président au Ministère de l'Intérieur: Siu T'ong, Grand Secrétaire d'État; et Li Ping-heng, ancien Gouverneur-Général du Sze-tch'ouan.

Un Édit Impérial du 13 Février, 1901 (Annexe No. 7), a réhabilité la mémoire de Siu Yung-yi, Président au Ministère de la Guerre; Li-chan, Président au Ministère des Finances, Hiu King-tch'eng, Directeur de Gauche au Ministère de l'Intérieur; Lien-yuan, Vice-Chancelier au Grand Secrétariat; et Yuan-tch'ang, Directeur à la Cour des Sacrifices, qui avaient été mis à mort pour avoir protesté contre les abominables violations du droit international commises au cours de l'année dernière.

Le Prince Tchouang s'est donné la mort le 21 Février, 1901; Ying-nien et Tchao Chou-k'iao le 24; Yu-hien a été exécuté le 22; enfin, K'i-sieou et Siu Tch'eng-yu le 26.

Tong Fou-siang, Général au Kansou, a été privé de ses fonctions par Édit Impérial du 13 Février, en attendant qu'il soit statué sur la peine définitive à lui infliger.

Des Édits Impériaux du 29 Avril et 19 Août, 1901, ont infligé des peines graduelles aux fonctionnaires des provinces reconnus coupables des crimes et attentats commis au cours de l'été dernier.

Suspension of Official Examinations for Five Years.

(*b*) Un Édit Impérial promulgué le 19 Août, 1901 (Annexe No. 8), a ordonné la suspension des examens officiels pendant cinq ans dans toutes les villes où des étrangers ont été massacrés ou ont subi des traitements cruels.

ARTICLE III.

Reparation for the Assassination of M. Sugiyama, Chancellor of the Japanese Legation.

Afin d'accorder une réparation honorable pour l'assassinat de feu M. Sougiyama, Chancelier de la Légation du Japon, Sa Majesté l'Empereur de Chine a, par un Édit Impérial du 18 Juin, 1901 (Annexe No. 9), désigné le Vice-Président au Ministère des Finances, Na-t'ong, comme Envoyé Extraordinaire, et l'a chargé spécialement de porter à Sa Majesté l'Empereur du Japon l'expression des regrets de Sa Majesté l'Empereur de Chine et de son Gouvernement au sujet de l'assassinat de feu M. Sougiyama.

ARTICLE IV.

Expiatory Monuments in Cemeteries which were Desecrated.

Le Gouvernement Chinois s'est engagé à ériger un monument expiatoire dans chacun des cimetières étrangers ou internationaux qui ont été profanés et dont les tombes ont été détruites.

D'accord avec les Représentants des Puissances, il a été convenu que les Légations intéressées donneront les indications pour l'érection de ces monuments, à charge par la Chine d'en couvrir tous les frais, évalués à 10,000 taels pour les cimetières de Pékin et des environs, à 5,000 taels pour les cimetières des provinces. Ces sommes ont été versées, et la liste de ces cimetières est ci-jointe (Annexe No. 10).

ARTICLE V.

Prohibition of Import of Arms and Ammunition.

La Chine a accepté de prohiber sur son territoire l'importation des armes et des munitions, ainsi que du matériel destiné exclusivement à la fabrication des armes et des munitions.

Un Édit Impérial a été rendu le 25 Août, 1901 (Annexe No. 11), pour interdire cette importation pendant une durée de deux années.

De nouveaux Édits pourront être rendus par la suite pour proroger ce terme de deux ans en deux ans, dans le cas de nécessité reconnue par les Puissances.

ARTICLE VI.

Indemnity.

Par un Édit Impérial en date du 29 Mai, 1901 (Annexe No. 12), Sa Majesté l'Empereur de Chine s'est engagé à payer aux Puissances une indemnité de 450,000,000 de Haikouan taels. Cette somme représente le total des indemnités pour les États, les Sociétés, les particuliers, et les Chinois visés à l'Article 6 de la note du 22 Décembre, 1900.

(*a*) Ces 450,000,000 constituent une dette en or, calculée au cours du Haikouan tael par rapport à la monnaie d'or de chaque pays, tels qu'ils sont indiqués ci-après.

Un Haikouan tael =

Marks	3·055
Couronnes Austro-Hongroises	3·595
Dollar or	0·742
Francs	3·750
Livres sterling	3*s.*
Yen	1·407
Florin Néerlandais	1·796
Rouble or	1·412 (Au titre de dolias 17·424).

Interest and Repayment.

Cette somme en or sera productive d'intérêts à 4 pour cent l'an, et le capital sera remboursé par la Chine en trente-neuf années, dans les conditions indiquées au plan d'amortissement ci-joint (Annexe No. 13).

Le capital et les intérêts seront payables en or ou au taux de change correspondant aux dates des diverses échéances. Le fonctionnement de l'amortissement commencera le 1er Janvier, 1902, pour finir à l'expiration de l'année 1940. Les amortissements seront payables annuellement, la première échéance étant fixée au 1er Janvier, 1903. Les intérêts seront comptés à partir du 1er Juillet, 1901, mais le Gouvernement Chinois aura la faculté de se libérer, dans un délai de trois ans, commençant le 1er Janvier, 1902, des arrérages du premier semestre finissant le 31 Décembre, 1901, à la condition toutefois de payer des intérêts composés à 4 pour cent l'an sur les sommes dont le versement aura ainsi été différé.

Les intérêts seront payables semestriellement, la première échéance étant fixée au 1er Juillet, 1902.

(*b*) Le service de la dette sera effectué à Shanghai, et de la manière suivante :—

Commission of Bankers.

Chaque Puissance se fera représenter par un délégué dans une Commission de banquiers, qui sera chargée d'encaisser le montant des intérêts et des amortissements qui lui sera versé par des autorités Chinoises désignées à cet effet, de la répartir entre les intéressés, et d'en donner quittance.

Chinese Government Bonds.

(*c*) Le Gouvernement Chinois remettra au doyen du Corps Diplomatique à Pékin un bon global, qui sera transformé ultérieurement en coupures revêtues de la signature des délégués du Gouvernement Chinois désignés à cet effet. Cette opération, et toutes celles se rapportant à l'établissement des titres, seront effectuées par la Commission précitée, conformément aux instructions que les Puissances enverront à leurs délégués.

(*d*) Le produit des ressources affectées au paiement des bons sera versé mensuellement entre les mains de la Commission.

Revenues Assigned as Security for Bonds.

(*e*) Les ressources affectées à la garantie des bons sont énumérées ci-après :—

1. Le reliquat des revenus de la Douane Maritime Impériale, après paiement de l'intérêt et de l'amortissement des emprunts antérieurs gagés sur ces revenus, augmentés du produit de l'élévation à 5 pour cent effectifs du tarif actuel sur les importations maritimes, y compris les articles qui jusqu'à présent entraient en franchise, à l'exception du riz, des céréales, et des farines de

provenance étrangère, ainsi que de l'or et de l'argent monnayés ou non monnayés.

2. Les revenus des Douanes indigènes administrées, dans les ports ouverts, pour la Douane Maritime Impériale.

3. L'ensemble des revenus de la gabelle, sous réserve de la fraction affectée précédemment à d'autres emprunts étrangers.

*Raising of Import Tariff to 5 Per Cent.**

L'élévation du tarif actuel sur les importations à 5 pour cent effectifs est consentie aux conditions ci-après.

La mise en vigueur de cette élévation commencera deux mois après la date de la signature du présent Protocole, et il ne sera fait d'exception que pour les marchandises en cours de route, au plus tard dix jours après cette date.

Ad Valorem *Duties to be Converted into Specific Duties.**

1. Tous les droits sur les importations perçus *ad valorem* seront convertis en droits spécifiques, autant qu'il sera possible de la faire, et dans le plus bref délai.

Cette conversion sera établie comme suit:

On prendra comme base d'évaluation la valeur moyenne des marchandises au moment de leur débarquement, pendant les trois années 1897, 1898, et 1899, c'est-à-dire, la valeur de marché déduction faite du montant des droits d'entrée et des frais accessoires.

En attendant le résultat de cette conversion, les droits seront perçus *ad valorem*.

Improvement of the Course of the Pei-ho and Whang-poo Rivers.†

2. Le cours du Pei-ho et celui du Whang-pou seront améliorés avec la participation financière de la Chine.

ARTICLE VII.

Legation Quarter and Guards.

Le Gouvernement Chinois a accepté que le quartier occupé par les Légations fût considéré comme un quartier spécialement réservé à leur usage et placé sous leur police exclusive, où les Chinois n'auraient pas le droit de résider, et qui pourrait être mis en état de défense.

Les limites de ce quartier ont été ainsi fixées sur le plan ci-joint (Annexe No. 14) :—

A l'ouest, la ligne 1, 2, 3, 4, 5;

Au nord, la ligne 5, 6, 7, 8, 9, 10;

A l'est, la rue Ketteler: 10, 11, 12;

Au sud, la ligne 12, 1, tirée le long du pied extérieur de la muraille Tartare en suivant les bastions.

* See Tariff Agreement of 29th August, 1902 (No. 27).
† See Article XI.

Par le Protocole (**No. 196**) annexé à la lettre du 16 Janvier, 1901, la Chine a reconnu à chaque Puissance le droit d'entretenir une garde permanente dans le dit quartier pour la défense de sa Légation.

ARTICLE VIII.

Razing of Taku Forts.

Le Gouvernement Chinois à consenti à faire raser les forts de Ta-kou et ceux qui pourraient empêcher les libres communications entre Pékin et la mer.

Des dispositions ont été prises à cet effet.

ARTICLE IX.

Occupation of Certain Points by the Powers.

Le Gouvernement Chinois a reconnu aux Puissances, par le Protocole (**No. 196**) annexé à la lettre du 16 Janvier, 1901, le droit d'occuper certains points, à déterminer, par un accord entre elles, pour maintenir les communications libres entre la capitale et la mer.*

Les points occupés par les Puissances sont: Houang-ts'oun, Lang-fang, Yang-ts'oun, T'ien-tsin, Kiun-léang-tch'eng, T'ang-kou, Lou-t'ai, T'ang-chan, Louan-tcheou, Tch'ang-li, Ts'-in-Wang-tao, Chan-hai-kouan.

ARTICLE X.

Posting and Publishing of Certain Imperial Edicts.

Le Gouvernement Chinois s'est engagé à afficher et à publier, pendant deux ans, dans toutes les villes de district, les Édits Impériaux suivants:—

(*a.*) Édit du 1er Février, 1901 (Annexe No. 15), portant défense perpétuelle, sous peine de mort, de faire partie d'une société anti-étrangère;

(*b.*) Édits des 13 et 21 Février, 29 Avril, et 19 Août, contenant l'énumération des peines qui ont été infligées aux coupables;

(*c.*) Édit du 19 Août, 1901, supprimant les examens dans toutes les villes où des étrangers ont été massacrés ou ont subi des traitements cruels;

(*d.*) Édit du 1er Février, 1901 (Annexe No. 16), déclarant que tous les Gouverneurs-Généraux, Gouverneurs, et fonctionnaires provinciaux ou locaux sont responsables de l'ordre dans leurs circonscriptions, et qu'en cas de nouveaux troubles anti-étrangers, ou encore d'autres infractions aux Traités qui n'auraient pas été immédiatement réprimées, et dont les coupables n'auraient pas été punis, ces fonctionnaires seront immédiatement révoqués, sans pouvoir être appelés à de nouvelles fonctions ni recevoir de nouveaux honneurs.

* See Condition No. 9, in Joint Note of 22nd December, 1900 (**No. 195**).

L'affichage de ces Édits se poursuit progressivement dans tout l'Empire.

ARTICLE XI.

Amendment of Commercial Treaties, &c.

Le Gouvernement Chinois s'est engagé à négocier les amendements jugés utiles par les Gouvernements étrangers aux Traités de Commerce et de Navigation, et les autres sujets touchant aux relations commerciales dans le but de les faciliter.

Improvement of the Courses of the Pei-ho and Whang-poo Rivers.

Dès maintenant, et par suite des stipulations inscrites à l'Article 6, au sujet de l'indemnité, le Gouvernement Chinois s'engage à concourir à l'amélioration du cours des rivières Pei-ho et Whang-pou, comme il est dit ci-dessous :—

(*a.*) Les travaux d'amélioration de la navigabilité de Pei-ho, commencés en 1898 avec la coopération du Gouvernement Chinois, ont été repris sous la direction d'une Commission Internationale.

Aussitôt après que l'administration de T'ien-tsin aura été remise aux Gouvernement Chinois, celui-ci pourra se faire représenter dans cette Commission, et versera chaque année une somme de 60,000 Haikouan taels pour l'entretien des travaux.

*Whang-poo Conservancy Board.**

(*b.*) Il est créé un Conseil fluvial, chargé de la direction et du contrôle des travaux de rectification du Whang-pou et d'amélioration du cours de cette rivière.

Ce Conseil est composé de membres représentant les intérêts du Gouvernement Chinois et ceux des étrangers dans le commerce maritime de Shanghai.

Les frais nécessités par les travaux et l'administration générale de l'entreprise sont évalués à la somme annuelle de 460,000 Haikouan taels pendant les vingt premières années.

Cette somme sera fournie par moitiés par le Gouvernement Chinois et par les intéressés étrangers.

Le détail des stipulations se rapportant à la composition, aux attributions, et aux revenus du Conseil fluvial, fait l'objet de l'Annexe (Annexe No. 17).

ARTICLE XII.

Ministry of Foreign Affairs (Wai-Wu Pu).

Un Édit Impérial du 24 Juillet, 1901 (Annexe No. 18), a réformé l'Office des Affaires Étrangères (Tsong-li Yamên) dans le sens indiqué par les Puissances, c'est-à-dire, l'a transformé en un

* See Order in Council of 6th March, 1902 (No. 148), and Agreement of 27th September, 1905 (No. 31).

Ministère des Affaires Étrangères (Wai Wou Pou), qui prend rang avant les six autres Ministères d'État.

Le même Édit a nommé les principaux membres de ce Ministère.

Court Ceremonial at Audiences.

Un accord s'est établi également au sujet de la modification du cérémonial de Cour relatif à la réception des Représentants étrangers, et a fait l'objet de plusieurs notes des Plénipotentiaires Chinois résumées dans un Mémorandum ci-joint (Annexe No. 19).

French Text to be Authoritative.

Enfin, il est expressément entendu que, pour les déclarations sus-énoncées et les documents annexés émanant des Plénipotentiaires étrangers, le texte Français fait seul foi.

Evacuation of Peking and Chihli by International Troops.

Le Gouvernement Chinois s'étant ainsi conformé, à la satisfaction des Puissances, aux conditions énumérées dans la note précitée du 22 Décembre, 1900 (**No. 195**), les Puissances ont accédé au désir de la Chine de voir cesser la situation créée par les désordres de l'été 1900.

En conséquence, les Plénipotentiaires étrangers sont autorisés à déclarer, au nom de leurs Gouvernements, que, à l'exception des gardes des Légations mentionnées à l'Article 7, les troupes internationales évacueront complètement la ville de Pékin le 17 Septembre, 1901, et, à l'exception des endroits mentionnés à l'Article 9, se retireront de la Province du Tche-li le 22 Septembre, 1901.

Le présent Protocole final a été établi en douze exemplaires identiques, et signés par tous les Plénipotentiaires des pays contractants. Un exemplaire sera remis à chacun des Plénipotentiaires étrangers, et un exemplaire sera remis aux Plénipotentiaires Chinois.

Pékin, le 7 Septembre, 1901.

A. VON MUMM.
M. CZIKANN.
JOOSTENS.
B. J. DE COLOGAN.
W. W. ROCKHILL.
BEAU.
ERNEST SATOW.
SALVAGO RAGGI.
JUTARO KOMURA.
F. M. KNOBEL.
M. DE GIERS.
YI-K'OUANG.
LI HONG-TCHANG.

ANNEXES AU PROTOCOLE FINAL.

(Textes Français.)

Nos.
1. Édit Impérial du 27 Décembre, 1900. (Traduction.)
2. Édit Impérial du 9 Juin, 1901. (Traduction.)
3. Lettre des Plénipotentiaires Chinois du 22 Juillet, 1901. (Traduction.)
4. Édit Impérial du 13 Février, 1901. (Traduction.)
5. Édit Impérial du 13 Février, 1901. (Traduction.)
6. Édit Impérial du 21 Février, 1901. (Traduction.)
7. Édit Impérial du 13 Février, 1901. (Traduction.)
8. Édit Impérial du 19 Août, 1901. (Traduction.)
9. Édit Impérial du 18 Juin, 1901. (Traduction.)
10. Liste des Cimetières profanés.
11. Édit Impérial du 25 Août, 1901. (Traduction.)
12. Édit Impérial du 29 Mai, 1901. (Traduction.)
13. Tableau d'Amortissement.
14. Plan du Quartier Diplomatique et Notice.
15. Édit Impérial du 1er Février, 1901. (Traduction.)
16. Édit Impérial du 1er Février, 1901.* (Traduction.)
17. Réglement pour l'amélioration du Whangpou.
18. Édit Impérial du 24 Juillet, 1901. (Traduction.)
19. Mémorandum relatif au Cérémonial de Cour.

Annexe No. 1.

Édit Impérial du 27 Décembre, 1900.

(Traduction.)

Le 6e jour de la 11e lune de la 26e année de Kouang-Siu (27 Décembre, 1900), l'édit suivant a été rendu :—

"Nous avons pris connsaisance de tout le télégramme de Yi-K'ouang et de Li Hong-tchang. Il convient que nous acceptions dans leur entier les douze articles† qu'ils nous ont soumis.

"Respect à ceci!"

[Sceau de l'Empereur.]

Annexe No. 2.

Édit Impérial du 9 Juin, 1901.

(Traduction.)

Nous conférons à Tsai-feng, Prince du premier rang Tch'oun, le titre d'Ambassadeur extraordinaire et le chargeons de se rendre en Allemagne pour s'acquitter respectueusement de la Mission que nous lui confions.

Tchang Yi, Lecteur à la Grande Chancellerie, et Yin-tch'ang, Lieutenant-Gouverneur Militaire, l'accompagneront en qualité de Secrétaires.

Respect à ceci!

Annexe No. 3.

Dépêche du Prince K'ing et de Li Hong-tchang, du 22 Juillet, 1901, à son Excellence M. de Mumm, Plénipotentiaire d'Allemagne.

(Traduction.)

(Réponse officielle.)

Le 3e jour de la 5e lune de la présente année (le 18 Juin, 1901), nous avons reçu de votre Excellence la communication officielle ci-après :—

* Décret Impérial du 24 Décembre, 1900.
† See Part V, Nos. 195 and 196.

"Messieurs Jouei-léang, Secrétaire, et Lien-fang, Taotai en expectative, délégués chargés de l'exécution de l'Article 1 de la Note Collective* stipulant l'érection d'un monument commémoratif sur le lieu de l'assassinat du Baron von Ketteler, ci-devant Ministre d'Allemagne, sont entrés il y a quelque temps en pourparlers avec ma Légation, et ont abordé la question du mode d'exécution de ce monument.

"Au cours de nombreux entretiens, ils ont déclaré que si l'on tenait à ce qu'un portique commémoratif en marbre de Ta-li et s'étendant sur toute la largeur de l'avenue de Teh'ong-wen-men, fut érigé sur le lieu de l'assassinat, le travail serait très long, en raison des difficultés de transport des matériaux; mais que, pour ce qui était de trouver quelque autre moyen consistant, soit à transférer sur le lieu de l'assassinat un portique placé actuellement ailleurs, soit à dresser un portique neuf, soit à faire usage d'un portique ancien que l'on transporterait, ils s'en remettaient à la décision de mon Gouvernement.

"J'ai aussitôt demandé par le télégraphe à mon Gouvernement de me faire connaître ses vues.

"La réponse qui vient de me parvenir me fait savoir que Sa Majesté l'Empereur d'Allemagne a décidé lui-même qu'il devait être érigé un portique neuf tenant toute la largeur de la rue.

"Je dois en conséquence vous prier instamment de prendre de promptes mesures pour que les travaux puissent commencer immédiatement."

Nous, Prince et Ministre, avons aussitôt prescrit aux dits Secrétaire et Taotai d'agir de conformité. Suivant le rapport qu'ils nous ont adressé, "les travaux ont été commencés le 10e jour de la 5e lune (25 Juin) par les fondations. Mais un certain temps est nécessaire pour l'extraction des pierres, leur taille et le transport des matériaux; et on ne peut que veiller à ce que les ouvriers fassent tous leurs efforts pour mener activement le travail."

Outre que nous avons prescrit de nous tenir au courant de l'achèvement des travaux, nous croyons devoir adresser la présente réponse officielle à votre Excellence, en la priant d'en prendre note.

Annexe No. 4.

Édit Impérial du 13 *Février*, 1901.

(Traduction.)

Depuis la 5e lune (fin Mai), les Boxeurs ont soulevé des troubles dans la capitale et ont ouvert les hostilités contre des pays amis. Yi-K'ouang et Li Hong-tchang négocient la paix à Pékin avec les Représentants des Puissances, et tout un arrangement préliminaire a déjà été signé.

(Si) Nous nous reportons au début de ces événements (nous trouvons qu'ils sont dûs) à plusieurs Princes et Ministres stupides, fous, complètement ignorants, turbulents, qui ont foulé aux pieds les lois. Ils ont eu la plus grande confiance dans les moyens pervers et ont entraîné la Cour. Non seulement ils ont refusé d'obéir à nos ordres pour anéantir les Boxeurs, mais ils ont été jusqu'à les croire et, sottement, ils se sont mis à attaquer (les Légations). Aussi ce mauvais feu prit une grande extension, et les circonstances ne permirent pas de l'arrêter, plusieurs dizaines de millions de malfaiteurs s'étant rassemblés au bas du coude et de l'aisselle (c'est-à-dire, un point très important). De plus, les meneurs forcèrent des Généraux et des soldats ignorants à attaquer les Légations, et c'est ainsi que des maux incroyables ont sévi durant plusieurs mois.

Les dieux tutélaires de l'Empire ont été en danger, les tombes Impériales et les temples des Ancêtres ont tremblé, le pays a été dévasté, les habitants sont plongés dans la misère. Aucune parole ne saurait exprimer les dangers que nous et Sa Majesté l'Impératrice Douairière avons courus. Notre cœur et notre tête en souffrent encore maintenant; nos pleurs et nos ressentiments se confondent. C'est vous, Princes et Ministres, qui, en ajoutant foi aux paroles perverses et en laissant agir les malfaiteurs, avez mis en danger, au Ciel, nos Ancêtres et nos dieux, et qui, ici-bas, avez fait endurer au peuple ces calamités. Demandez-vous quel est le châtiment que vous méritez?

Nous avons déjà rendu deux Décrets. Mais, comprenant que des peines si légères pour des fautes si grandes ne pouvaient suffire à vous faire expier vos crimes, nous devons vous infliger de nouveaux châtiments plus sévères, selon votre degré de culpabilité.

* See Part V (No. 195).

Peking. [**Resumption of Friendly Relations.**]

Tsai-Hiun, Prince Tchouang, déjà dégradé, a laissé les Boxeurs attaquer les Légations. Il a, de sa propre autorité, publié des Proclamations contraires aux Traités; il a ajouté foi légèrement aux dires des malfaiteurs; il a fait décapiter illégalement un grand nombre de personnes; il s'est montré, en vérité, grossier et inintelligent. Nous l'invitons, par faveur, à se suicider. Nous chargeons Ko pao-houa, Président par intérim de la Cour des Censeurs, d'aller constater (le suicide).

Tsai-Yi, Prince Touan, déjà dégradé, a entraîné avec lui plusieurs Princes et Peilo (Princes du troisième rang). Il a écouté légèrement les Boxeurs et, sottement, il à conseillé de se battre. C'est ainsi que tous ces troubles ont éclaté: ses fautes, en vérité, ne peuvent être écartées. Tsai-Lan, Duc Fou-Kouo, rétrogradé, a, de concert avec Tsai-Hiun, sottement publié des Proclamations contraires aux Traités. Il doit également être puni pour ses fautes. Nous les privons de leurs titres de noblesse, mais, considérant qu'ils font partie de notre famille, nous ordonnons, par une faveur spéciale que nous leur accordons, qu'ils soient envoyés dans le Sin-Kiang (Ili), où ils seront condamnés à perpétuité à la prison. On enverra d'abord des délégués pour les surveiller.

Yu-hien, Gouverneur dégradé, a cru sottement, lorsqu'il exerçait précédemment les fonctions de Gouverneur au Chantong, aux philtres des Boxeurs. Arrivé à Pékin, il en a vanté les louanges, si bien que plusieurs Princes et Ministres ont subi sa mauvaise influence. Étant Gouverneur du Chansi, il a massacré un grand nombre de missionnaires et de Chrétiens. C'est plus qu'un imbécile, qu'un fou, qu'un assassin, c'est le plus grand coupable et l'auteur de toutes ces calamités. Il a déjà été envoyé au Sin-Kiang, et, pensant qu'il est arrivé au Kan-sou, nous ordonnons que, sur l'ordre que nous envoyons, il soit immédiatement décapité. Nous chargeons le juge provincial Ho Fou-koueun de constater l'application de la peine.

Kang-Yi, Sous-Grand Secrétaire d'État, Président au Ministère de l'Intérieur, ayant prêté son appui aux Boxeurs, des troubles graves éclatèrent. Il contribua à publier des Proclamations contraires aux Traités. Un châtiment sévère devait à l'origine lui être infligé, mais il est mort de maladie. Nous ordonnons que les grades qu'il possédait primitivement lui soient retirés et qu'il soit aussitôt dégradé.

Tong Fou-siang, Général au Kan-sou, dégradé et laissé en fonctions, est entré (dans Pékin) pour défendre (la ville) avec les troupes placées sous ses ordres; il n'a pas su exercer une discipline sévère. Ignorant de plus les questions internationales, il suivait ses idées et agissait d'une façon inconsidérée. Bien que les attaques contre les Légations lui fussent ordonnées par les susdits Princes dégradés, il est difficile cependant de l'absoudre de toutes fautes. Nous devions d'abord le punir sévèrement, mais, songeant aux services signalés qu'il a rendus au Kan-sou et aux sympathies qu'il a acquises parmi les Musulmans et les Chinois, par un acte de clémence extraordinaire, nous ordonnons qu'il soit immédiatement dégradé.

Ying-Nien, Président de la Cour des Censeurs, rétrogradé et déplacé, s'est opposé à ce que Tsai-Hiun publie, de sa propre autorité, des Proclamations contraires aux Traités. Nous pouvons tenir compte de cette circonstance, mais comme il n'a pas su vaincre (cette résistance) par la force, il est en somme difficile de l'absoudre de ses fautes. Nous ordonnons, par une marque de grande bienveillance, qu'il soit dégradé. Nous le condamnons à mort, et il attendra en prison qu'il soit statué sur son cas.

Tchao Chou-kiao, Président au Ministère de la Justice, dégradé et laissé en fonctions, n'avait jamais montré jusqu'alors aucun sentiment d'animosité dans les relations avec les Puissances étrangères. Ayant fait une enquête sur les Boxeurs, il ne tint aucun propos en leur faveur, mais par sa négligence des fautes furent commises. Nous ordonnons, par une marque de grande bienveillance, qu'il soit dégradé. Nous le condamnons à mort, et il attendra en prison qu'il soit statué sur son cas.

Nous ordonnons qu'Ying-Nien et Tchao Chou-kiao soient d'abord enfermés dans la prison de la capitale du Chen Si.

Siu tong, Grand Secrétaire d'État, et Li Ping-heng, ancien Gouverneur-Général du Szet-chouen, rétrogradé et déplacé, sont morts pour la patrie, mais tout le monde reconnaît leurs fautes. Nous ordonnons de les dégrader et nous leur retirons les honneurs posthumes que nous leur avions conférés.

Après la promulgation de ce Décret, tous nos pays amis devront considérer que les événements causés par les Boxeurs ne sont dûs en vérité qu'aux principaux fauteurs de désordre et nullement aux désirs de la Cour.

Nous, Empereur, ne punissant pas à la légère plusieurs des principaux fauteurs de désordre, les mandarins et les populations de l'Empire comprendront aussitôt que les conséquences de telles affaires sont des plus graves.

Respect à ceci!

Annexe No. 5.

Édit Impérial du 13 *Février*, 1901.

(Traduction.)

K'i-Sieou, Président au Ministère des Rites, et Siu Tch'eng-yu, précédemment Directeur de Gauche au Ministère de la Justice, seront d'abord dégradés.

Nous ordonnons à Yi-K'ouang et à Li Hong-tchang de rechercher les preuves exactes de leur culpabilité et de nous adresser aussitôt un rapport. Ils seront punis avec la plus grande sévérité.

Respect à ceci!

Annexe No. 6.

Édit Impérial du 21 *Février*, 1901.

(Traduction.)

Édit rendu et transmis télégraphiquement le 3e jour de la 1re lune (21 Février, 1901), et reçu le 4 par la Grande Chancellerie.

Par un Edit antérieur, nous avions déjà sévèrement puni, suivant leur cas, tous les hautes fonctionnaires auteurs principaux des maux présents. Mais nous avons reçu il y a quelques temps, un rapport télégraphique de Yi-K'ouang et de Li Hong-tchang, nous disant que, d'après une dépêche officielle des Ministres Plénipotentiaires des diverses Puissances, de nouvelles aggravations de peines étaient nécessaires, et nous suppliant de prendre une décision.

Outre Tsai-Hiun, auquel il a été prescrit de se suicider, et Yu-Hien, contre lequel la peine de la décapitation immédiate a été prononcée et pour chacun desquels des délégués seront chargés d'aller vérifier (l'exécution des sentences), nous décidons que la peine applicable à Tsai-Yi (Prince Touan) et à Tsai-Lan (Duc Lan) est la décapitation avec sursis; toutefois, en considération des liens de parenté qui les unisent à nous, nous le faisons la faveur toute spéciale de les envoyer sur les confins de l'Empire, au Turkestan, où ils seront emprisonnés à perpétuité. Un délégué chargé de les conduire sous escorte sera désigné et partira au premier jour.

Pour Kang-Yi, dont les crimes étaient plus graves, la peine à appliquer aurait été la décapitation sans délai; mais comme il est déjà mort de maladie, il lui sera fait grâce d'un nouvel examen de son cas.

Pour Ying-Nien et Tchao Chou-K'iao, dont la peine, suivant nos précédentes décisions, devait être la décapitation avec sursis. Nous ordonnons qu'ils soient invités à se suicider, et nous chargeons Ts'en-Tch'oun-Hiuan, Gouverneur du Chan-si, d'aller contrôler (leur mort).

Pour K'i-Sieou et Siu Tc'heng-Yu, que les Puissances désignent comme les protecteurs acharnés des bandits Boxeurs et comme ayant tout particulièrement fait du mal aux étrangers, nous avions précédemment édicté leur destitution; nous ordonnons (aujourd'hui) à Yi-K'ouang et à Li Hong-tchang de demander aux Puissances, par dépêche, leur remise, et de les faire aussitôt exécuter. L'un des Présidents du Ministère de la Justice sera chargé de contrôler (leur exécution).

Quant à Siu T'ong, qui a compromis les grands intérêts généraux en accordant à la légère confiance aux Boxeurs, et à Li Ping-Heng, dont les habitudes de vantardise ont délibérément engendré ces malheurs, la peine à leur appliquer aurait été la décapitation avec sursis; mais, prenant en considération qu'ils se sont suicidés en voyant approcher le désastre, qu'ils ont déjà été dégradés, et que les honneurs posthumes qui leur avaient été décernés ont été annulés, et retirés, il convient de ne pas revenir sur leur cas.

La nature des crimes commis par tous les auteurs principaux du mal a été exposée, d'une façon claire et détaillée, dans de précédents Décrets.

Respect à ceci!

Annex No. 7.

Édit Impérial du 13 Février, 1901.

(Traduction.)

Les troubles suscités par les Boxeurs dans le courant de la 5e lune (Mai-Juin) ayant augmenté de jour en jour, la Cour avait deux partis difficiles à prendre, soit de prendre des mesures coercitives, soit de les apaiser. Dans l'espoir qu'une voie nous serait indiquée, les Ministres furent appelés plusieurs fois en audience.

Nous avons maintes fois interrogé Siu Yong-yi, Président au Ministère de la Guerre, Li-chan, Président au Ministère des Finances, Hiu King-tcheng, Directeur de Gauche au Ministère de l'Intérieur, Lien-Yuan, Vice-Chancelier du Grand Secrétariat, Yuan-tchang, Directeur à la Cour des Sacrifices.

Dans leurs discours et dans leurs pensées, tous admirent que les deux méthodes étaient possibles. Plusieurs Ministres fauteurs de désordre, profitant aussitôt de cette circonstance, les accusèrent injustement, remirent des Mémoires, dans lesquels ils les dénonçaient. C'est ainsi qu'ils furent punis sévèrement dans leur personne.

Mais, songeant que Siu Yong-yi et autres ont fait preuve d'un grand zèle pendant plusieurs années et qu'ils se sont toujours occupés de questions internationales, qu'ils pouvaient être fidèles et qu'ils se sont montrés laborieux, nous devons leur accorder une faveur.

Nous ordonnons que Siu Yong-yi, Li-chan, Hiu King-tcheng, Lien-Yuan, et Yuan-tchang soient réintégrés dans leurs anciens grades.

Que le Ministère que l'affaire concerne en soit informé.

Respect à ceci!

Annexe No. 8.

Édit Impérial du 19 Août, 1901.

(Traduction.)

Édit reçu par la Grande Chancellerie le 6e jour de la 7e lune de la 27 année Kouang-Siu (le 19 Août, 1901).

Vu le rapport de ce jour par lequel Yi-K'ouang et Li Hong-tchang nous font savoir que les Puissances étrangères ont décidé la suspension pendant cinq années des examens civils et militaires dans les localités qui ont été le théâtre de troubles;

Considérant qu'il est déclaré que cette suspension devra rester applicable aux examens locaux de licence de Choun-t'ien et de T'ai-yuan;

Vu la liste comprenant les localités de:

Province du Chan-si: T'ai-yuan-fou, Hin-tcheou, T'ai-kou-hien, Ta-t'ong-fou, Fen-tcheou-fou, Hiao-yi-hien, K'iu-wo-hien, Ta-ning-hien, Ho-tsin-hien. Yo-Yang-hien, So-p'ing-fou, Wen-chouei-hien, Cheou-yang-hien, P'ing-yang-fou, Tch'ang-tze-hien, Kao-p'ing-hien, Tse-tcheou-fou, Si-tcheou, P'ou-hien, Kiang-tcheou, Kouei-houa-tch'eng, Souei-yuan-tch'eng;

Province du Ho-nan: Nan-yang-fou, Kouang-tcheou;

Province du Tchè-kiang: K'iu-tcheou-fou;

Province du Tché-li: Pékin, Choun-t'ien-fou, Pao-ting-fou, Yong-ts'ing-hien, T'ien-tsin-fou, Choun-te-fou, Wang-tou-hien, Houai-lou-hien, Sin-ngan-hien, T'ong-tcheou, Wou-yi-hien, King-tcheou, Louan-p'ing-hien.

Trois provinces de Mandchourie: Cheng-king (= Moukden), Kia-tze-tch'ang, Lien-chan, Yu-k'ing-kié, Pei-lin-tze, Hou-lan-tch'eng;

Province du Chén-si: Ning-kiang-tcheou;

Province du Hou-nan: Heng-tcheou-fou;

Nous ordonnons que, dans toutes ces localités, les examens civils et militaires seront suspendus pendant une durée de cinq années, et nous prescrivons à tous les Gouverneurs-Généraux, Gouverneurs, et Examinateurs des provinces visées, d'agir de conformité et de faire publier des Proclamations.

Respect à ceci!

Annexe No. 9.

Édit Impérial du 18 *Juin*, 1901.

(Traduction.)

Édit reçu par télégraphe de Si-ngan-fou le 3e de la 5e lune (18 Juin, 1901).

Nous conférons à M. Na-t'ong, second Vice-Président du Ministère des Finances, le bouton mandarinal du premier rang, et le désignons comme Envoyé spéciale pour se rendre au Japon et s'y acquitter respectueusement de la mission dont nous le chargeons.

Respect à ceci!

Annexe No. 10.

LISTE des Cimetières situés aux environs de Pékin, et qui ont été profanés.

Cimetière Anglais	1
Cimetière Français	5
Cimetière Russe	1
Total	7

Annexe No. 11.

Édit Impérial du 25 *Août*, 1901.

(Traduction.)

Nous ordonnons à tous les Maréchaux Tartares, Gouverneurs-Généraux, et Gouverneurs des provinces, ainsi qu'aux Taotais des Douanes, d'interdire, d'abord pour une durée de deux ans, l'importation des engins de guerre, ainsi que du matériel servant exclusivement à leur fabrication de provenance étrangère. Aviser le Ministère que cela concerne.

Respect à ceci!

Annexe No. 12.

Dépêche du Prince K'ing et de Li Hong-tchang à M. de Cologan, Ministre d'Espagne, Doyen du Corps Diplomatique, le 29 *Mai*, 1901.

(Traduction.)

Le 12e jour de la 4e lune de la 27e année de Kouang-Siu (le 29 Mai, 1901).

Réponse officielle.

Le 7e jour de la 4e lune de la présente année (le 24 Mai, 1901), nous avons reçu de votre Excellence la communication officielle ci-après:—

"J'ai l'honneur d'accuser réception à votre Altesse et à votre Excellence de la lettre qu'elles ont bien voulu m'adresser en réponse à ma communication en date du 7 Mai au sujet des indemnités. Dans la lettre à laquelle votre Altesse et votre Excellence viennent de répondre nous leur faisons connaître que le chiffre des dépenses effectuées et des pertes subies par les Puissances s'élevait à la somme approximative de 450,000,000 de taels calculée jusqu'au 1er Juillet.

"En réponse à cette communication, votre Altesse et votre Excellence m'ont fait connaître que le Gouvernement Chinois proposait de s'acquitter de cette somme envers les Puissances au moyen de versements mensuels de 1,250,000 taels pendant trente années.

"Les Représentants des Puissances n'ont pas manqué de transmettre cette proposition à leurs Gouvernements. Mais ils doivent appeler l'attention de votre Altesse et celle de votre Excellence sur le fait que le total des versements proposés par le Gouvernement Chinois ne représente que le capital de la somme indiquée, sans qu'il ait été tenu compte du calcul des intérêts.

"Je prie en conséquence votre Altesse et votre Excellence de vouloir bien nous faire connaître, le plus tôt possible, les intentions du Gouvernement Chinois à cet égard."

En traitant dans une précédente dépêche la question des indemnités, nous avons exposé à votre Excellence l'état de pénurie du Trésor Chinois. Dans sa dernière communication votre Excellence veut bien nous faire observer que les versements annuels de 15,000,000 de taels que nous avons proposés ne représentent que le capital, et vous appelez maintenant notre attention sur la question des intérêts.

Estimant nous-mêmes, qu'outre le capital, il y avait lieu de tenir compte d'intérêts annuels à 4 pour cent, nous avions déjà, par télégramme, soumis au Trône des propositions à ce sujet; et, en réponse, nous avons reçu un Édit Impérial portant que "le chiffre des indemnités à payer aux Puissances de 450,000,000 avec intérêts à 4 pour cent est approuvé, et nous commandant de prendre les mesures nécessaires pour donner suite à cette décision."

Nous n'avons donc plus qu'à nous conformer aux ordres du Trône.

Toutefois ceci nous oblige à rappeler à votre Excellence que les ressources financières de la Chine sont tellement limitées qu'aucun prélèvement n'est possible en dehors des 15,000,000 de taels que nous avons déjà proposé à votre Excellence d'affecter spécialement au paiement des indemnités. Or, puisqu'ils doivent faire face non-seulement au paiement du capital, mais aussi au service des intérêts, nous n'avons d'autre alternative à proposer que de prolonger le terme des paiements que nous avions fixé d'abord à trente années, de telle manière que les versements effectués pendant la première période de ce terme ainsi prolongé soient considérés comme destinés á étendre le capital, pendant que ceux opérés au cours de la seconde période serviraient à liquider le compte des intérêts: tout paiement cesserait alors par suite de l'extinction de la dette. La Douane Impériale Maritime, déjà chargée, comme nous le proposions, des versements du capital, serait également chargée du versement des intérêts. Quant au chiffre des intérêts annuels, il serait entendu qu'il diminuerait proportionellement d'année en année à mesure de l'extinction progressive du capital.

Nous avons l'honneur de prier votre Excellence de vouloir bien nous faire connaître ce qu'elle pense du mode de procédure que nous lui proposons ci-dessus pour acquitter le capital et les intérêts, ou, si à son avis il ne vaudrait pas mieux considérer une partie des 15,000,000 versés annuellement comme au àcompte sur les intérêts à servir. Ces détails demandent un examen attentif et exigent une entente préalable et complète.

La Chine ayant ainsi montré tout son bon vouloir en accédant aux demandes des Puissances sur la question des indemnités, et prenant toutes les dispositions nécessaires pour en assurer le paiement intégral, nous espérons avoir bientôt la satisfaction d'apprendre que les Puissances se trouvent à même de fixer une date prochaine à l'évacuation.

Nous avons l'honneur de prier votre Excellence de vouloir bien porter cette communication à la connaissance des Représentants des Puissances.

Annexe No. 13.

Plan d'Amortissement.

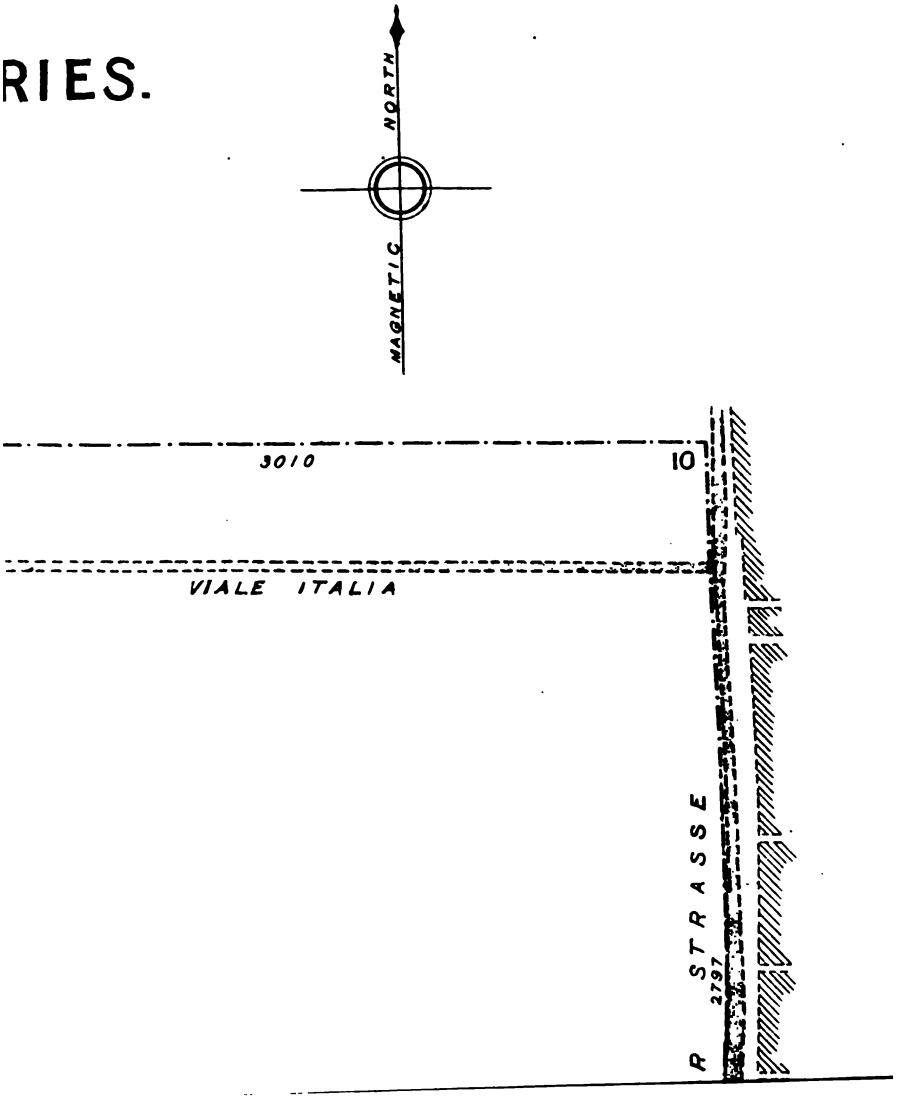
Années.	Série A. 75,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 1·106 pour cent en 39 ans commençant en 1902.		Série B. 60,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 1·783 pour cent en 30 ans commençant en 1911.		Série C. 150,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 2·256 pour cent en 26 ans commençant en 1915.		Série D. 50,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 2·401 pour cent en 25 ans commençant en 1916.		Série E. 115,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 9·449 pour cent en 9 ans commençant en 1932.		Montant des sommes dues pour les Séries A, B, C, D, E.	Annuités de Dette existante garantie par les Douanes M.-I. et les Li-kins.	Montant total de la Dette Étrangère.
		Taels.		Taels.		Taels.		Taels.		Taels.	Taels.	Taels.	Taels.
1902	Int. et Am.	3,829,500	Int.	2,400,000	Int.	6,000,000	Int.	2,000,000	Int.	4,600,000	18,829,500	23,600,000	42,429,500
1903	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	23,300,000	42,129,500
1904	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	23,300,000	42,129,500
1905	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	24,100,000	42,929,500
1906	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	23,900,000	42,729,500
1907	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	23,700,000	42,529,500
1908	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	23,400,000	42,229,500
1909	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	23,400,000	42,229,500
1910	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	23,200,000	42,029,500
1911	,,	,,	Int. et Am.	3,469,800	,,	,,	,,	,,	,,	,,	19,889,300	22,800,000	42,699,300
1912	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	22,600,000	42,499,300
1913	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	22,400,000	42,299,300
1914	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	22,100,000	41,999,300
1915	,,	,,	,,	,,	Int. et Am.	9,384,000	,,	,,	,,	,,	23,283,300	19,400,000	42,683,300
1916	,,	,,	,,	,,	,,	,,	Int. et Am.	3,200,500	,,	,,	24,483,800	18,500,000	42,983,800
1917	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1918	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1919	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1920	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1921	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1922	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1923	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1924	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800

Annexe No. 13—*continued.*

PLAN D'AMORTISSEMENT—*continued.*

Années.	Série A. 75,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 1·106 pour cent en 39 ans commençant en 1902.		Série B. 60,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 1·783 pour cent en 30 ans commençant en 1911.		Série C. 150,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 2·256 pour cent en 26 ans commençant en 1915.		Série D. 50,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 2·401 pour cent en 25 ans commençant en 1916.		Série E. 115,000,000 Taels. Éteinte en 1940 par un amortissement annuel de 9·449 pour cent en 9 ans commençant en 1932.		Montant des sommes des pour les Séries A, B, C, D, E.	Annuités de Dette existante garantie par les Douanes M.-I. et les Li-kins.	Montant total de la Dette Étrangère.
		Taels.		Taels.		Taels.		Taels.		Taels.	Taels.	Taels.	Taels.
1926	Int. et. Am.	3,829,500	Int. et. Am.	3,469,800	Int. et. Am.	9,384,000	Int. et. Am.	3,200,500	Int.	4,603,000	24,483,300	18,500,000	42,983,800
1926	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1927	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1928	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1929	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1930	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,500,000	42,983,800
1931	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	18,400,000	42,883,800
1932	,,	,,	,,	,,	,,	,,	,,	,,	Int. et Am.	15,466,350	35,350,150	7,500,000	42,850,150
1933	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	6,300,000	41,650,150
1934	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	5,900,000	41,250,150
1935	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	5,900,000	41,250,150
1936	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	5,900,000	41,250,150
1937	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	5,900,000	41,250,150
1938	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	5,900,000	41,250,150
1939	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	5,900,000	41,250,150
1940	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	,,	5,900,000	41,250,150
	4·18433 de toute la somme de 450,000,000 taels à partir de 1902.		4·23773 ou, y compris le précédent taux, 4·42206 de toute la somme de 450,000,000 taels à partir de 1911.		4·75200 ou, y compris le précédent taux, 5·17406 de toute la somme de 450,000,000 taels à partir de 1915.		4·26677 ou, y compris le précédent taux, 5·44083 de toute la somme de 450,000,000 taels à partir de 1916.		6·41477 ou, y compris le précédent taux, 7·85560 de toute la somme de 450,000,000 taels à partir de 1932.		Montant total à payer, 982,238,150 taels.		

RIES.



Annexe No. 14.*

Description des Limites du Quartier des Légations à Pékin.

Le point 1 est situé sur la muraille sud de la ville Tartare à 100 pieds à l'est du côté est de la superstructure de la Tsien Men. De ce point la limite court, sur une longueur de 216 pieds, suivant une ligne presque directement nord, jusqu'au.

Point 2, coin sud-est de la balustrade en pierres blanches qui entoure l'espace ouvert, pavé, devant l'entrée principale de la Cité Impériale.

Du ce point la limite court, sur une longueur de 310 pieds, le long du côté est de cette balustrade, presque directement au nord jusqu'au

Point 3, situé sur le côté nord de la route qui fait suite à la Rue des Légations, et qui est à l'intersection de la limite venant de 2 et d'une ligne tirée en prolongement du côté nord de la Rue des Légations.

De ce point la ligne court, sur une longueur de 641½ pieds (mesurés autour et dans les coins du mur), le long du côté nord de la Rue des Légations jusqu'au

Point 4, à 146 pieds à l'ouest du coin (sud-ouest) de la Gaselee Road, mesurés le long du nord de la Rue des Légations.

Depuis ce point la limite court, sur une longueur de 2,152 pieds (mesurés autour et dans les coins des constructions), dans la direction généra'e du nord, mais en côtoyant les constructions actuellement existantes, et, dans les espaces ouverts entre les constructions, le long d'une ligne parallèle à l'alignement général du côté gauche de la Gaselee Road et à 157 pieds à l'ouest côté ouest de la porte qui mène de la Gaselee Road à la cour extérieure de la Cité Impériale, jusqu'au

Point 5, sur la face sud du mur sud de la cour extérieure de la Cité Impériale, et à 157 pieds depuis le côté ouest de la porte au bout de la Gaselee Road.

Depuis ce point la ligne court sur une distance de 1,288 pieds presque directement dans l'est, le long du mur, jusqu'au

Point 6, coin sud-est de la cour extérieure de la Cité Impériale.

De là, la ligne court presque directement au nord, le long du mur, sur une distance de 218 pieds mesurés en droit ligne jusqu'au.

Point 7, coin nord-est de la cour extérieure.

De là, la ligne court presque droite dans l'est, sur une distance de 681 pieds jusqu'au

Point 8, coin sud-est de la muraille de la Cité Impériale.

De ce point la limite court presque directement au nord, sur une distance de 65 pieds, le long du mur jusqu'au

Point 9, à 65 pieds du coin sud-est du mur de la Cité Impériale.

De là, la limite court directement à l'est sur une longueur de 3,010 pieds jusqu'au

Point 10, sur le côté ouest de la Ketteler Strasse et à 300 pieds du coin d'intersection de la Ketteler Strasse et de la Viale Italia.

De ce point la limite court presque directement au sud, le long de la face ouest de la Ketteler Strasse jusqu'au

Point 11, coin nord-ouest de la voûte de la Hatamen, sur la muraille sud de la ville Tartare.

De là, la limite court le long du mur et comprend la rampe ouest de la Hatamen jusqu'au

Point 12, sur le mur à 100 pieds à l'ouest de la superstructure de la Hatamen.

A partir de 12, la limite suit la face sud de la muraille, comme le montre le plan, y compris les bastions, et va rejoindre 1.

Les points du plan dont les relèvements sont pris sont les suivants :—

(A.) Point à 107 pieds de la superstructure de la Tsien Men, mesuré à l'est le long du bord nord du faîte du mur de la ville Tartare.

(B.) Point sur le sommet du bord nord du mur de la ville Tartare, juste au-dessus du milieu du canal d'écoulement des eaux.

(C.) Coin nord-ouest de la superstructure de la Hatamen.

* See Plan.

Annexe No. 15.

Édit Impérial du 1er Février, 1901.

(Traduction.)

Dans toutes les provinces, des bandits ont appelé des adhérents et fondé des Sociétés anti-étrangères. Divers Édits l'ont interdit formellement. Nous l'avons répété maintes fois, et cependant, dans ces dernières années, il y a encore eu, dans tous les districts du Chan-tong, des sectes du nom de Ta-tao-houei (Société des Grands Couteaux) et Y-Ho-Kien (Boxeurs), qui se sont propagées partout pour tuer et voler sciemment. Elles ont gagné peu à peu le territoire du Tche-li, et ont pénétré brusquement dans la capitale, où les établissements étrangers ont été incendiés et les Légations attaquées. Des crimes ont été ainsi commis contre des pays voisins, et des fautes ont été faites contre l'intérêt général. Pour ne pas avoir assuré la protection, nous avons encouru des responsabilités considérables.

Vous, peuple, qui en temps ordinaire vous nourrissez et vivez des produits de cette terre, qui tous avez été comblés des bienfaits de l'Empire, vous avez osé cependant inciter ces bandits à désirer se battre, à enseigner des méthodes pour jeter des sorts et à s'adonner à de fausses pratiques. Vous avez résisté téméraire-ment à vos Mandarins, vous les avez massacrés, vous avez assassiné des étrangers, et puis vous avez été cause de ces calamités inouïes qui par dessus tout ont plongé dans la douleur votre Souverain et vos pères.

Nous ne pouvons penser à ce qui a été fait sans éprouver un ressentiment plus profond encore. Nous avons déjà prescrits formellement aux Commandants-en-chef de toutes les régions de faire leurs efforts les plus sincères pour détruire ces Sociétés. Il importe de supprimer le mal jusque dans sa racine, aussi les Princes et les Ministres, qui ont prêté leur appui aux Boxeurs, subiront-ils les peines les plus sévères conformes à leurs crimes, et, afin d'inspirer la crainte, tous les examens civils et militaires seront supprimés pendant cinq ans dans toutes les villes où des étrangers ont été massacrés ou ont subi des traitements cruels.

Craignant que les populations ignorantes des campagnes n'aient pas con-naissance (de ces punitions), de nouvelles interdictions sévères seront faites spécialement, afin d'éviter que l'on n'exécute des gens qui n'auraient pas été avisés.

Vous, soldats et peuple, vous devez savoir qu'il est formellement défendu par la Loi de former des Sociétés secrètes ou d'en faire partie. Nos ancêtres n'ont jamais montré la moindre indulgence dans la répression contre des Sociétés des malfaiteurs.

D'ailleurs, les Puissances étrangères sont toutes des pays amis, les Chrétiens sont des enfants de notre sang, que la Cour regarde avec la même bienveillance, et elle ne saurait admettre d'avoir pour eux des sentiments différents. Tous les Chinois, Chrétiens ou non, qui seraient maltraités, devront se plaindre auprès des autorités, et attendre qu'un jugement juste et équitable soit rendu. Comment pouvez-vous croire à la légère toutes les rumeurs que l'on répand ? Comment pouvez-vous ne plus tenir compte des lois pénales ?

Ensuite, lorsque tout est perdu, ceux qui sont habiles se sauvent au loin et les naïfs sont mis à mort. La Loi pardonne difficilement, et tout ceci est vraiment fort triste. A partir de la publication du présent Édit chacun devra s'amender et se repentir des enseignements qu'il a reçus.

Si des malfaiteurs endurcis et incorrigibles venaient encore à former clandes-tinement des Sociétés anti-étrangères, ils seraient punis de mort, ainsi que quiconque ferait partie de ces Sociétés. On ne pourra avoir pour eux la moindre indulgence.

Les Maréchaux Tartares, les Gouverneurs-Généraux, Gouverneurs, et Hautes Autorités provinciales qui ont le devoir de diriger les populations, devront donner des instructions très précises à leurs subordonnés de publier des Proclamations sévères, et de faire imprimer sur papier jaune le présent Décret, qui sera affiché partout. Il importe que toutes les familles soient avisées, qu'on les exhorte toutes au bien, et que nul n'ignore que la volonté de la Cour est que tous sachent bien que l'on punira afin d'éviter d'infliger d'autres punitions.

Que cet Édit soit porté dans tout l'Empire à la connaissance de tous.

Respect à ceci!

Annexe No. 16.

Décret Impérial du 24 Décembre, 1900.*

(Traduction.)

Il a été stipulé dans les Traités passés entre la Chine et les Puissances étrangères que les nationaux de ces Puissances auront la faculté de pénétrer dans l'intérieur.

La Cour, pour assurer et maintenir les relations avec les autres pays, a déjà rendu des Décrets prescrivant que l'on fasse les efforts les plus sincères dans les provinces pour assurer la protection. Cependant, les autorités locales s'étant relâchées peu à peu (dans l'exercice de leurs fonctions), des troubles ont été causés par les malfaiteurs, et des attaques ont été dirigées contre les étrangers. On a vu de semblables incidents se renouveler plusieurs fois.

Nous comprenons que nos qualités ont été trop faibles pour amener le peuple ignorant à se réformer, ce qui nous à conduit à commettre des fautes immenses. Pas un seul Mandarin local n'a su, en temps ordinaire, faire connaître les affaires Européennes, et aucun n'a compris l'importance des relations étrangères. Aussi la conflagration s'est-elle étendue partout menaçant l'Empire, et s'ils s'interrogent en eux-mêmes, ils ne se sentiront pas tranquilles.

Dorénavant chacun d'entre vous devra s'appliquer à repousser ses ressentiments et à dépouiller ses préjugés. Vous devez savoir que, de tous temps, l'entretien de relations amicales avec les pays étrangers a été une règle fondamentale. Les gens qui arrivent en Chine venant de loin, soit comme marchands pour y échanger leurs produits, soit comme voyageurs pour augmenter leurs connaissances scientifiques, ou encore comme missionnaires pour prêcher la religion, dans le but d'exhorter les gens à faire le bien, ont franchi les montagnes et traversé les mers aux prix des plus grandes fatigues.

Puisque la Chine passe pour un pays civilisé, elle doit pratiquer les devoirs d'un hôte envers ses invités. D'ailleurs, les Chinois qui, dans ces dernières années, se sont rendus à l'étranger, sont au moins plusieurs centaines de milles. Leurs personnes et leurs biens dépendent de la garantie que leur assurent les Puissances qui leur ont donné leur protection. Comment pourrions-nous continuer de traiter différemment leurs nationaux ?

Nous ordonnons de nouveau à toutes les Hautes Autorités civiles et militaires responsables de toutes les provinces de prescrire à leurs subordonnés de protéger, de la façon la plus efficace, les agents et nationaux des Puissances étrangères qui viendraient dans leurs circonscriptions. Dans le cas où des malfaiteurs audacieux pousseraient à maltraiter et massacrer des étrangers, on devra sur le champ aller rétablir l'ordre, arrêter les coupables, et les châtier. Aucun retard ne devra y être apporté. Si, par suite d'indifférence, ou plus, de tolérance volontaire, de grandes calamités venaient à se produire, ou si des infractions aux Traités venaient à se produire, et n'étaient pas immédiatement réprimées et punies, les Gouverneurs-Généraux, Gouverneurs, et fonctionnaires provinciaux ou locaux responsables seront révoqués sans pouvoir être appelés à de nouvelles fonctions dans d'autres provinces, ou espérer être réintégré, ni recevoir de nouveaux honneurs.

Le présent Décret devra être imprimé et publié afin de prévenir les Mandarins et le peuple et mettre fin à toutes ces habitudes indignes.

Respect à ceci !

Annexe No. 17.

Règlement pour l'Amélioration du Cours du Whangpou. †

1. Il est établi à Shanghai un Conseil fluvial (River Conservancy Board) pour la Rivière Whangpou.

2. Le Conseil aura le double devoir d'agir comme organe de rectification et d'amélioration de la voie fluviale et comme organe de contrôle.

3. La juridiction du Conseil s'étendra depuis une ligne tirée de la limite inférieure

* Referred to in the Final Protocol as "Édit du 1er Février, 1901."

† See Order in Council of 6th March, 1902 (**No. 148**), and Agreement of 27th September, 1905 (**No. 31**).

de l'arsenal de Kiang-nau vers l'embouchure de la crique dite "de l'Arsenal," jusqu'à la bouée rouge dans le Yang-taze.

4. Le Conseil sera constitué comme suit :—

(*a.*) Le Taotai ;

(*b.*) Le Commissaire des Douanes ;

(*c.*) Deux membres élus par le Corps Consulaire ;

(*d.*) Deux membres de la Chambre générale de Commerce de Shanghai, élus par le Comité de cette Chambre ;

(*e.*) Deux membres représentant les intérêts de la navigation, élus par les Sociétés de Navigation, les maisons de commerce, et les négociants dont le trafic maritime, pour le total des entrées et sorties à Shanghai, à Wousong, ou dans tout autre port sur le Whangpou, excède 50,000 tonnes par an ;

(*f.*) Un membre du Conseil municipal de la Concession Internationale ("International Settlement") ;

(*g.*) Un membre du Conseil municipal de la Concession Française ;

(*h.*) Un Représentant de chacun des pays dont le trafic maritime, pour le total des entrées et sorties à Shanghai, à Wousong, ou dans tout autre port sur le Whangpou, excède 200,000 tonneaux de jauge par an. Ces Représentants seront désignés par les Gouvernements des pays en question.

5. Les membres de droit rempliront leur mandat tant qu'ils occuperont le poste en vertu duquel il font partie du Conseil.

6. Les Représentants des Conseils municipaux et de la Chambre de Commerce seront élus pour la période d'un an. Ils seront immédiatement rééligibles.

Seront également désignés pour la période d'un an, les Représentants des Gouvernements prévus à la section (*h*) de l'Article 4.

Le mandat des autres membres sera de trois ans ; ils seront immédiatement rééligibles.

7. En cas de vacance au cours d'un mandat, le successeur du membre sortant sera désigné pour un an ou pour trois ans selon la catégorie à laquelle il appartient.

8. Le Conseil nommera pour un an son Président et son Vice-Président, choisis parmi ses membres. S'il n'y a pas de majorité pour l'élection du Président, le doyen du Corps Consulaire sera prié de former une majorité par son vote.

9. En cas d'absence du Président, celui-ci sera remplacé par le Vice-Président. Si tous deux sont absents, les membres présents désigneront parmi eux un Président *ad hoc*.

10. Dans toutes les séances du Conseil, s'il y a partage égal de voix, celle du Président sera décisive.

11. Le Conseil ne pourra délibérer que lorsque quatre de ses membres au moins seront présents.

12. Le Conseil nommera les fonctionnaires et employés qu'il jugera nécessaires à l'exécution des travaux et à l'application des règlements, fixera leurs appointements, salaires et gratifications, qu'il paiera sur les fonds mis à sa disposition. Il pourra édicter des règlements, prendre toutes les dispositions applicables à son personnel, et congédier celui-ci à volonté.

13. Le Conseil arrêtera les dispositions nécessaires à la réglementation du trafic, y compris l'installation des appareils de mouillage en rivière et la réglementation des mouillages eux-mêmes, dans les limites indiquées à l'Article 3, ainsi que sur toutes les voies d'eau telles que les criques de Sou-Tchéou et autres traversant la Concession Française ou la Concession Internationale ("International Settlement") à Shanghai et dans le quartier étranger de Wousong, de même que sur toutes les autres criques débouchant dans la rivière, jusqu'à une distance de 2 milles Anglais en amont de leur embouchure.

14. Le Conseil aura le droit d'exproprier les appareils de mouillage fixes appartenant à des particuliers, et d'établir un système d'appareils de mouillage publics dans la rivière.

15. L'autorisation du Conseil sera nécessaire pour l'exécution de tous travaux de dragage, de construction de quais et de jetées, ainsi que pour l'établissement de tous pontons ou maisons flottantes, dans la section de la rivière mentionnée à l'Article 13. Le Conseil pourra refuser à discrétion cette autorisation.

16. Le Conseil aura pleins pouvoirs pour faire enlever tous obstacles dans la rivière ou dans les criques sus-mentionnées, et pour recouvrer, si cela est nécessaire, sur les personnes qui seraient responsables, les dépenses qui en résulteraient.

17. Le Conseil aura la disposition de tous feux flottants, bouées, balises, amers, et signaux lumineux, dans la section de la rivière et dans les criques mentionnées à l'Article 13, ainsi que de tous appareils établis à terre et nécessaires à la sûreté de la navigation fluviale, à l'exception des phares, auxquels reste applicable

l'Article XXXII du Traité de 1858 (No. 6) entre la Grande-Bretagne et la Chine.

18. Les travaux d'amélioration et de conservation du Whangpou seront, dans leur entier, sous la direction technique du Conseil, même si leur exécution nécessitait des travaux en dehors des limites de sa juridiction. Dans ce cas, les ordres nécessaires seraient transmis par l'autorité Chinoise, et exécutés de son consentement.

19. Le Conseil encaissera et déboursera tous les fonds qui seront prélevés pour les travaux, et il prendra, d'accord avec l'autorité compétente, toutes les mesures propres à assurer le recouvrement des taxes et l'application des règlements.

20. Le Conseil nommera le Capitaine de Porte et son personnel. Ce service de port exercera son action dans les limites des pouvoirs attribués au Conseil, dans la partie de la rivière indiquée à l'Article 13.

21. Le Conseil aura le pouvoir d'organiser un service de police et de surveillance destiné à assurer l'exécution de ses règlements et de ses ordres.

22. Le Conseil aura la direction et la réglementation du service de pilotage de Shanghai ("Lower Yang-tsze pilots"). Les brevets de pilotes patentés pour les navires se rendant à Shanghai ne pourront être délivrés que par le Conseil, qui en disposera à son gré.

23. En cas de contravention à ses règlements, le Conseil poursuivra les contrevenants de la façon suivante:

Les étrangers, devant leurs Consuls respectifs ou devant les autorités judiciaires compétentes; les Chinois ou les étrangers dont le Gouvernement n'est pas représenté en Chine, devant la Cour mixte, en présence d'un assesseur de nationalité non-Chinoise.

24. Tout procès intenté au Conseil sera porté devant la Cour Consulaire ("Court of Consuls") de Shanghai. Le Conseil sera représenté dans les procès par son Secrétaire.

25. Les membres du Conseil et les personnes employées par lui ne pourront encourir aucune responsabilité personelle du fait des votes et des actes du Conseil, des contrats passés ou des dépenses engagées par cette assemblée, lorsque les dits votes, actes, contrats, et dépenses se rapporteront, soit à l'élaboration, soit à l'application, sous l'autorité ou d'après les ordres du Conseil ou de l'un des services qui en dépendent, des règlements émanant de l'assemblée en question.

26. En dehors des dispositions mentionnées à l'Article 13 de la présente Annexe, le Conseil aura le pouvoir de promulguer, dans les limites de sa compétence, toutes Ordonnances et tous Règlements nécessaires, et de fixer des amendes pour les cas de contravention.

27. Les Ordonnances et Règlements indiqués à l'Article 26 seront soumis à l'approbation du Corps Consulaire. Si, deux mois après la présentation du projet, le Corps Consulaire n'y a pas mis d'opposition ou suggéré de modifications, le projet sera considéré comme approuvé et exécutable.

28. Le Conseil aura le droit d'acquérir tous terrains nécessaires à l'exécution des travaux d'amélioration et de conservation du Whangpou, et de disposer des dits terrains. Si, dans cet ordre d'idées, il était jugé utile d'exproprier des terrains, on suivra les régles établies à l'Article 6 (*a*) (No. 143) des "Land Regulations for the Foreign Settlement of Shanghai, north of the Yang-King-pang." Dans ce cas, le prix sera fixé par une Commission composée de: (1) une personne choisie par l'autorité dont le propriétaire est ressortissant; (2) une autre, choisie par le Conseil; (3) une troisième, choisie par le doyen du Corps Consulaire.

29. Les propriétaires riverains auront un droit de préférence pour l'achat de tout terrain créé en avant de leurs propriétés par les assèchements effectués pour l'amélioration des voies fluviales en question. Les prix d'acquisition de ces terrains seront fixés par une Commission constituée de la même manière qu'à l'Article 28.

30. Les revenus du Conseil se composeront de—

(*a*.) Une taxe annuelle d'un dixième pour cent sur la valeur imposable de la propriété foncière bâtie et non bâtie dans la Concession Française et dans la Concession Internationale ("International Settlement").

(*b*.) Une taxe égale sur tout propriété située sur les rives du Whangpou, à partir d'une ligne tirée de la limite inférieure de l'arsenal de Kiang-nan vers l'embouchure de la crique dite "de l'Arsenal," jusqu'à l'endroit où le Whangpou se jette dans le Yang-tsze. La valeur imposable de ces propriétés sera fixée par la Commission mentionnée à l'Article 28.

(*c*.) Une taxe de 5 candarins par tonne sur tout navire de type non-Chinois et d'un tonnage supérieur à 150 tonneaux, entrant dans les ports de Shanghai, de Wousong, ou dans tout autre port sur le Whangpou, ou en sortant.

Les navires de type non-Chinois de 150 tonneaux ou au-dessus paieront le quart de la taxe indiquée ci-dessus. Ces taxes ne seront applicables à chaque navire qu'une seule fois en quatre mois, quelque soit le nombre des entrées et sorties effectuées.

Les navires de type non-Chinois qui font la navigation du Yang-tsze et relâchent à Wousong uniquement pour y prendre leur papiers de rivière, seront exempts des taxes sus-mentionnées, à la condition que ces navires ne se livrent à Wousong, tant à l'aller qu'au retour, à aucune opération commerciale. Ils auront cependant la faculté de ce ravitailler à Wousong en eau et en vivres.

(*d.*) Une taxe d'un dixième pour cent sur tout marchandise déclarée aux douanes à Shanghai, à Wousong, ou dans tout autre port sur le Whangpou.

(*e.*) Une contribution annuelle du Gouvernement Chinois égale à la contribution fournie par les divers intéressés étrangers.

31. La perception des taxes énumérées à l'Article 30 sera effectuée par l'intermédiaire des autorités suivantes :—

La taxe (*a*) par les Municipalités respectives ;

La taxe (*b*), à percevoir sur les ressortissants, des Gouvernements représentés en Chine, par leurs Consuls respectifs ; les taxes, à percevoir sur les Chinois ou sur les personnes dont le Gouvernement n'est pas représenté en Chine, par le Taotai.

Les taxes (*c*) et (*d*), par le Douane Maritime Impériale.

32. Si le total des revenus annuels du Conseil ne suffisait pas au paiement de l'intérêt et de l'amortissement du capital à emprunter pour l'exécution des travaux, à l'entretien des travaux achevés et au service en général, le Conseil aura la faculté d'augmenter dans la même proportion les diverses taxes sur la navigation, la propriété foncière bâtie et non-bâtie, et le commerce, jusqu'à un chiffre suffisant pour faire face aux nécessités reconnues. Cette augmentation éventuelle sera appliquée dans les mêmes proportions à la contribution du Gouvernement Chinois dont il est question à la section (*e*) de l'Article 30.

33. Le Conseil devra informer à l'avance le Haut Commissaire des Ports du Sud et le Corps Consulaire de Shanghai, de la nécessité des augmentations prévues à l'Article 32. Ces augmentations ne seront applicables que lorsque le Corps Consulaire de Shanghai les aura approuvées.

34. Le Conseil soumettra au Haut Commissaire des Ports du Sud et au Corps Consulaire de Shanghai, dans un délai de six mois après la clôture de ses comptes annuels, un rapport détaillé sur la direction générale et sur les recettes et dépenses pendant les douze mois précédents. Ce rapport sera publié.

35. Si les comptes de recettes et de dépenses, exactement tenus et publiés, démontrent qu'il y a un excédant des recettes sur les dépenses, les taxes mentionnées à l'Article 30 seront réduites proportionnellement et d'un commun accord entre le Corps Consulaire de Shanghai et le Conseil fluvial. Cette réduction éventuelle s'appliquera dans les mêmes proportions à la contribution du Gouvernement Chinois dont il est question à la section (*e*) de l'Article 30.

36. Après l'expiration d'un premier terme de trois ans, les signataires examineront d'un common accord celles des dispositions contenues dans la présente Annexe qu'il y aurait lieu de reviser. Une nouvelle revision pourra avoir lieu dans les mêmes conditions, de trois ans en trois ans.

37. Dans les limites indiquées à l'Article 13, et sous réserve de leur approbation par le Corps Consulaire de Shanghai, les Ordonnances du Conseil auront force de loi pour tous les étrangers.

Pékin, le 7 Septembre, 1901.

Annexe No. 18.

Édit Impérial du 24 Juillet, 1901.

(Traduction.)

Le 9e jour de la 6e lune, la Grande Chancellerie a reçu l'Édit ci-après :—

"La création de fonctionnaires et la détermination de leurs attributions ont jusqu'ici été réglées d'après les nécessités des temps. Or, en ce moment où un nouveau Traité de Paix est conclu, les relations internationales vont au premier rang des affaires importantes, et il est plus que jamais nécessaire de recourir à des hommes capables pour s'occuper de tout ce qui a rapport à l'établissement de l'amitié dans les relations et de la confiance dans le langage.

"L'Office des Affaires Étrangères, créé autrefois pour traiter les questions internationales, existe bien depuis des années, mais étant donné que les Princes et

Ministres qui le composaient n'exerçaient pour la plupart ces fonctions qu'accessoirement à d'autres, ils ne pouvaient s'y consacrer exclusivement. Il convient donc naturellement de créer des fonctions spéciales afin que chacun ait son attribution propre.

" Nous ordonnons en conséquence que l'Office des Affaires Étrangères (Tsong li ko kouo che-wou yamên) soit changé en Ministère des Affaires Étrangères (Wai Wou pou) et prenne rang avant les six Ministères. Et nous désignons Yi-Kouang, Prince du premier rang K'ing, comme Président du Ministère des Affaires Étrangères.

" M. Wang Wen Chao, Grand Secrétaire d'État du Ti-jen Ko, est nommé Président-adjoint au Ministère des Affaires Etrangères ; M. K'in Hong ki, Président du Ministère des Travaux Publics, passe avec le même titre au Ministère des Affaires Étrangères, où il est nommé Président-adjoint ; M. Sin Chéou p'eng, Directeur de la Cour des Haras, et M. Lien-fang, Expectant Sous-Directeur Métropolitain de troisième ou quatrième rang, sont nommés premier et second Directeurs (ou Sous-Secrétaires).

" En ce qui regarde la fixation du personnel, les règlements qui devront présider à son choix, les émoluments à attribuer aux Ministres, Directeurs, et autres Agents, nous prescrivons aux Conseillers de Gouvernement de se concerter avec le Ministère du Personnel, et de nous adresser promptement leurs conclusions par voie de rapport.

" Respect à ceci."

Annexe No. 19.

Mémorandum sur le Cérémonial à observer dans les Audiences solennelles.

1. Les audiences solennelles données par sa Majesté l'Empereur de Chine au Corps Diplomatique ou aux Représentants des Puissances séparément auront lieu dans la salle du Palais appelée " K'ien-ts'ing Kong."

2. En allant à ces audiences solennelles ou en en revenant les Représentants des Puissances seront portés dans leur chaise jusqu'à l'extérieur de la porte King-yun. A la porte King-yun ils devront descendre de la chaise dans laquelle ils seront venus et être portés dans une petite chaise (i chiao) jusqu'au pied des marches de la porte K'ien-ts'ing.

En arrivant à la porte K'ien-ts'in les Représentants des Puissances devront descendre de chaise et s'avancer à pied jusqu'en présence de Sa Majesté dans la salle K'ien-ts'ing Kong.

En partant, les Représentants des Puissances devront retourner à leur résidence de la même manière qu'ils seront venus.

3. Quand un Représentant d'une Puissance aura à présenter à Sa Majesté l'Empereur ses lettres de créance ou une communication du Chef de l'État par lequel il est accrédité, l'Empereur fera envoyer à la résidence du dit Représentant, pour le porter au Palais, une chaise à porteurs avec des garnitures et des glands jaunes, telles que celles qui sont à l'usage des Princes de la famille Impériale. Le dit Représentant sera reconduit chez lui de la même manière. Une escorte de troupes sera également envoyée à la résidence du dit Représentant pour l'accompagner à l'aller et au retour.

4. En présentant ses lettres de créance ou une communication du Chef de l'État par lequel il est accrédité, l'Agent Diplomatique, pendant qu'il portera les dites lettres ou communications, passera par les ouvertures centrales des portes du Palais jusqu'à ce qu'il soit parvenu en présence de Sa Majesté. En revenant de ces audiences il se conformera, en ce qui concerne les portes par lesquelles il pourra avoir à passer, aux usages déjà établis à la Cour de Pékin pour les audiences données aux Représentant étrangers.

5. L'Empereur recevra directement entre ses mains les lettres et communications ci-dessus mentionnées que les Représentants étrangers pourront avoir à lui remettre.

6. Si Sa Majesté décidait d'inviter à un banquet les Représentants des Puissances, il est bien entendu que ce banquet devra avoir lieu dans une des salles du Palais Impérial et que Sa Majesté devra y assister en personne.

7. En un mot, le cérémonial adopté par la Chine à l'égard des Représentants étrangers ne pourra être, en aucun cas, différent de celui qui résulte d'une parfaite légalité entre les pays concernés et la Chine, sans aucune perte de prestige de part et d'autre.

(No. 27.) *AGREEMENT between the Special Commissioners respecting the new Chinese Import Tariff.** *(Tariff and Rules annexed.) Signed at Shanghai, 29th August,* 1902.

[Signed also in Chinese.]

WHEREAS it was provided by the Final Protocol signed at Peking on the 7th of September, 1901 (**No. 26**) (Article VI), that the existing Tariff on goods imported into China should be increased to an effective 5 per cent., and whereas it was further provided that all duties levied on imports *ad valorem* should be converted as far as feasible and with the least possible delay into specific duties, this conversion to be effected in the following manner:—The average value of merchandise at the time of landing during the three years 1897, 1898, and 1899, that is to say, the market price less the amount of import duty and incidental expenses, to be taken as the basis for the valuation of such merchandise.

The Special Commissioners of—

Austria-Hungary—
M. E. von Hirsch;

Belgium—
M. D. Siffert;

Germany—
Dr. A. Boyé;

Great Britain—
Sir James L. Mackay;

Japan—
Mr. E. Hioki, Mr. M. Odagiri, Mr. J. Yamaoka;

Netherlands—
M. G. D. Advocaat, M. F. B. s'Jacob;

Spain—
M. D. Siffert; and of

China—
Their Excellencies Lu Hai-Hüan and Shêng Hsüan-huai,

have agreed and determined, on the basis aforesaid, upon the Tariff hereto appended together with certain Rules for the application thereof; and do hereby agree that the said Tariff and Rules shall be binding on the Governments and subjects of their respective Countries and of China.

The Tariff and Rules aforesaid shall be binding on and after the 31st October, 1902, the first day of the tenth Chinese moon.

Should it be ascertained hereafter that any articles have

* See footnote on page 170. For Export Tariff, see page 45.

been omitted from this Tariff which it is found can be conveniently provided for on a specific basis in terms of the Final Protocol of 1901, it is understood that the necessary additions shall be made at rates to be mutually agreed upon by Representatives of the various Powers by whom this Tariff has been signed.

It is understood that, in the event of there being any difference of meaning between the English and Chinese Texts of the Tariff and Rules, the sense as expressed in the English Text shall be held to be the correct sense.

The present Agreement has been drawn up in eight identic copies and signed by all the Special Commissioners of the countries aforesaid. One copy shall be given to the Special Commissioners of each Foreign Country, and one copy shall be given to the Chinese Special Commissioners.

[Here follow the signatures of the Special Commissioners.]*

Shanghai, Friday, August 29, 1902.

TARIFF.†

[NOTE.—1 picul = 100 catties = 133⅓ lb. av. 1 Haikwan tael, at present rate of exchange‡ = about 2*s.* 7*d.*]

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Agar-agar	Picul	0·300
Agaric. See Fungus.		
Amber	Catty	0·325
Aniseed, star—		
1st quality (value 15 taels and over per picul)	Picul	1·000
2nd quality (value under 15 taels per picul)	„	0·440
Apricot seed	„	0·900
Arrowroot and arrowroot flour	Value	5 per cent.
Asafœtida	Picul	1·000
Asbestos—		
Boiler composition	„	0·200
Fibre	„	5·000
Millboard	„	0·500
Packing, including sheets and blocks	„	3·500
„ metallic	„	5·000
Yarn	„	2·250
Awabi	„	1·500
Bacon and ham	Value	5 per cent.
Bags—		
Grass	Thousand	1·250
Gunny	„	4·250
„ old	Value	5 per cent.
Hemp	Thousand	4·250
„ old	Value	5 per cent.
Straw	Thousand	1·250

* See footnote on page 170.

† For Export Tariff, see page 45. For the accession of China to the "Customs Tariff Publication Convention, 1890," see "Hertslet's Commercial Treaties," Vol. 19, page 171.

‡ October, 1902. See footnote on page 41. The average rate of exchange for the quarter ended 31st December, 1907, was 6·39 = £1.

Name of Article.	Tariff Unit and Duty.		
	Per—		Hk. Taels.
Baking powder—			
4-oz. bottles or tins	Dozen		0·083
6 „ „	„		0·110
8 „ „	„		0·145
12 „ „	„		0·226
1-lb. bottles or tins	„		0·303
3 „ „	„		0·810
5 „ „	„		1·350
Bark—			
Mangrove	Picul		0·073
Plum-tree	„		0·120
Yellow (for dyeing)	Value		5 per cent.
„ (medicinal)	Picul		0·800
Barley, pearl	„		0·300
Basins—			
Tin (common)	Gross		0·250
Iron, enamelled—			
Up to 9 ins. in diameter, decorated or undecorated	Dozen		0·050
Over 9 ins. in diameter, agate, blue and white, grey or mottled, undecorated	„		0·090
Over 9 ins. in diameter, decorated (with gold)	„		0·175
Over 9 ins. in diameter, decorated (without gold)	„		0·125
Beads—			
Coral	Catty		0·750
Cornelian	Picul		7·000
Glass, all kinds	Value		5 per cent.
Beer. See Wines, &c.			
Beeswax, yellow	Picul		1·600
Belting	Value		5 per cent.
Betel-nut—			
Husk, dried	Picul		0·077
„ fresh	„		0·018
Leaves, dried	„		0·045
Betel-nuts—			
Dried	„		0·225
Fresh	„		0·018
Bezoar, cow, Indian	Value		5 per cent.
Bêche-de-mer—			
Black	Picul		1·600
White	„		0·700
Bicycle materials	Value		5 per cent.
Bicycles	Each		3·000
Birds' nests—			
1st quality	Catty		1·400
2nd „	„		0·450
3rd „	„		0·150
Blue—			
Paris	Picul		1·500
Prussian	„		1·500
Bones, tiger	„		2·500
Books—			
Chinese			Free.
Printed, charts, maps, newspapers, and periodicals			„
Borax—			
Crude	Picul		0·610
Refined	„		1·460
Braid, llama	„		5·000
Bricks, fire	Value		5 per cent.

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Bronze powder	Picul	2·200
Butter, in tins, jars, and other packages	,,	2·000
Buttons—		
Agate and porcelain	12 gross	0·010
Brass, and other kinds (not jewellery)	Gross	0·020
Byrrh. See Wines, &c.		
Camphor	Picul	1·650
,, Baroos, clean	Catty	2·450
,, ,, refuse	Value	5 per cent.
Candles—		
9-oz.	Case of 25 packages of 6 candles	0·075
12-oz.	,,	0·100
16-oz.	,,	0·133
(*Other weights, duty in proportion.*)		
Candles of all kinds, differently packed	Picul	0·750
Canes—		
Bamboo	Thousand	0·400
Coir, 1 ft. long	Picul	0·200
,, 5 ft. ,,	Thousand	0·300
Canned fruits, vegetables, &c. (*all weights and measures approximate*)—		
Apples, Apricots, Grapes, Peaches, Pears, Plums — Table fruits	Dozen 2½-lb. cans	0·065
Apples, Apricots, Grapes, Peaches, Pears, Plums — Pie fruits	,,	0·057
Preserved fruits, in glass bottles, jars, cardboard or wooden boxes, including weight of immediate package	Picul	0·650
Asparagus	Dozen 2½-lb. tins	0·118
Corn	Dozen 2-lb. tins	0·054
Peas	,,	0·060
String beans	,,	0·054
Tomatoes	Dozen 2½-lb. tins	0·054
All other vegetables preserved in tins, bottles, or jars, including weight of immediate package	Picul	0·525
Tomato sauce and catsup—		
½-pint bottles	Dozen	0·054
1 ,, ,,	,,	0·087
Jams and jellies—		
1-lb. tins, bottles, or jars	,,	0·060
2 ,, ,, ,,	,,	0·118
Milk (including condensed)	Case of 4 dozen 1-lb. tins	0·250
Cream, evaporated—		
4 doz. pints (family size)	Case	0·230
2 ,, quarts (hotel ,,)	,,	0·260
Canned meats—		
Bacon or ham, sliced—		
½-lb. tins	Dozen	0·077
1 ,,	,,	0·141
Dried beef, sliced	Dozen 1-lb. jars	0·144

Name of Article.	Tariff Unit and Duty.	
Canned meats—*contd.*	Per—	Hk. Taels.
Mincemeat—		
1½-lb. pails	Dozen	0·100
3 „	„	0·181
Kits, ½ barrels and barrels	Picul	0·799
Pork and beans, plain or with tomato sauce—		
1-lb. tins	Dozen	0·040
2 „	„	0·075
3 „	„	0·085
Potted and devilled meat—		
½-lb. tins	„	0·022
1 „	„	0·042
Potted and devilled poultry and poultry and meat combined—		
½-lb. tins	„	0·012
1 „	„	0·072
Soup and bouilli—		
2-lb. tins	„	0·101
6 „	„	0·244
Tamales chicken—		
½-lb. tins	„	0·051
1 „	„	0·080
Tongues of every description—		
½-lb. tins	„	0·098
1 „	„	0·204
1½ „	„	0·287
2 „	„	0·333
2½ „	„	0·445
3 „	„	0·515
3½ „	„	0·545
All other canned meats, including game, of every description, with or without vegetables—		
½-lb. tins	„	0·052
1 „	„	0·063
2 „	„	0·120
4 „	„	0·210
6 „	„	0·370
14 „	„	0·810
Canvas and cotton duck, not exceeding 36 ins. wide	Yard	0·010
Capoor cutchery	Value	5 per cent.
Cardamoms—		
Superior and amomums	Picul	10·000
Inferior, or grains of paradise	„	1·000
Husk	„	0·250
Cards, playing	Value	5 per cent.
Cassia—		
Buds	Picul	0·750
Lignea	„	0·920
Twigs	„	0·170
Cement	Cask of 3 piculs	0·150
Cereals and flour		Free.
Including barley, maize, millet, oats, paddy, rice, wheat, and flour made therefrom; also buckwheat and buckwheat flour, corn flour and yellow corn meal, rye flour, and hovis flour.		
But not including arrowroot and arrowroot flour, cracked wheat, germea, hominy, pearl barley, potato flour, quaker oats, rolled oats, sago and sago flour, shredded wheat, tapioca and tapioca flour, and yam flour.		

[Chinese Import Tariff.]

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Chairs, Vienna bent-wood	Dozen	0·800
Charcoal	Picul	0·030
Cheese	Value	5 per cent.
Chestnuts	Picul	0·180
China-root, whole, sliced, or in cubes	„	0·650
Chinaware, coarse and fine	Value	5 per cent.
Chloride of lime	Picul	0·300
Chocolate, sweetened	Pound	0·012
Cigarettes, 1st quality (value exceeding 4·50 taels per 1,000)	Thousand	0·500
Cigarettes, 2nd quality (value not exceeding 4·50 taels per 1,000)	„	0·090
Cigars	„	0·500
Cinnabar	Picul	3·750
Cinnamon	„	4·000
Clams, dried	„	0·550
Clocks, of all kinds	Value	5 per cent.
Cloves	Picul	0·630
„ Mother	„	0·360
Coal—		
Asiatic	Ton	0·250
Other kinds	„	0·600
Asiatic, briquettes	„	0·500
Cochineal	Value	5 per cent.
Cockles—		
Dried	Picul	0·500
Fresh	„	0·050
Cocoa	„	3·600
Coffee	„	1·000
Coir canes—		
1 ft. long	„	0·200
5 „	Thousand	0·300
Coke—		
Asiatic	Ton	0·500
Other kinds	„	0·900
Compoy	Picul	2·000
Coral	Catty	1·110
Beads	„	0·750
Broken and refuse	„	0·550
Cordage, of all kinds	Value	5 per cent.
Cornelian beads	Picul	7·000
„ stones, rough	Hundred	0·300
Corundum sand	Picul	0·195
Cotton piece-goods—		
Grey shirtings or sheetings, not exceeding 40 ins. wide and not exceeding 40 yds. long—		
(*a.*) Weight 7 lb. and under	Piece	0·050
(*b.*) „ over 7 lb. and not over 9 lb.	„	0·080
(*c.*) „ „ 9 „ „ 11 „	„	0·110
(*d.*) „ „ 11	„	0·120
Imitation native cotton cloth (hand-made), grey or bleached—		
(*a.*) Not exceeding 20 ins. wide and not exceeding 20 yds. long; weight 3 lb. and under	„	0·027
(*b.*) Exceeding 20 ins. wide	Value	5 per cent.
White shirtings, white irishes, white sheetings, white brocades, and white striped or spotted shirtings: not exceeding 37 ins. wide and not exceeding 42 yds. long	Piece	0·135

Name of Article.	Tariff Unit and Duty.		
Cotton piece-goods—*contd.*	Per—		Hk. Taels.
Drills, grey or white: not exceeding 31 ins. wide and not exceeding 40 yds. long—			
(*a.*) Weight 12¼ lb. and under	Piece		0·100
(*b.*) „ over 12¼ lb.	„		0·125
Jeans, grey or white—			
(*a.*) Not exceeding 31 ins. wide and not exceeding 30 yds. long	„		0·090
(*b.*) Not exceeding 31 ins. wide and not exceeding 40 yds. long	„		0·120
T-cloths, grey or white—			
(*a.*) Not exceeding 34 ins. wide and not exceeding 24 yds. long	„		0·070
(*b.*) Not exceeding 34 ins. wide and exceeding 24 yds., but not exceeding 40 yds. long	„		0·135
(*c.*) Exceeding 34 ins., but not exceeding 37 ins. wide, and not exceeding 24 yds. long	„		0·080
Crimp cloth and crape, plain—			
(*a.*) Not exceeding 30 ins. wide and not exceeding 6 yds. long	„		0·027
(*b.*) Not exceeding 30 ins. wide, exceeding 6 yds., but not exceeding 10 yds. long	„		0·035
(*c.*) Not exceeding 30 ins. wide, but exceeding 10 yds. long	Yard		0·003½
White muslins, white lawns, and white cambrics, not exceeding 46 ins. wide and not exceeding 12 yds. long	Piece		0·032
Mosquito netting, white or coloured, not exceeding 90 ins. wide	Yard		0·010
Lenos and balzarines, white, dyed, or printed, not exceeding 31 ins. wide and not exceeding 30 yards long	Piece		0·090
Leno brocades and balzarine brocades, dyed	Value		5 per cent.
Prints—			
(*a.*) Printed cambrics, lawns, or muslins, not exceeding 46 ins. wide and not exceeding 12 yds. long	Piece		0·037
(*b.*) Printed chintzes, printed crapes, printed drills, printed furnitures, printed shirtings, printed T-cloths (including those goods known as blue and white printed T-cloths), printed twills; but not including goods mentioned in (*e*) and (*h*)—			
(1.) Not exceeding 20 ins. wide	Value		5 per cent.
(2.) Exceeding 20 ins. but not exceeding 31 ins. wide and not exceeding 30 yds. long	Piece		0·060
(*c.*) Printed crimp cloth—			
(1.) Not exceeding 30 ins. wide and not exceeding 6 yds. long	„		0·027
(2.) Not exceeding 30 ins. wide, exceeding 6 yds. but not exceeding 10 yds. long	„		0·035
(3.) Not exceeding 30 ins. wide but exceeding 10 yds. long	Yard		0·003½
(*d.*) Printed lenos and balzarines, not exceeding 31 ins. wide and not exceeding 30 yds. long	Piece		0·090
(*e.*) Printed sheetings, not exceeding 36 ins. wide and not exceeding 43 yds. long	„		0·185
(*f.*) Printed Turkey reds, of all kinds, not exceeding 31 ins. wide and not exceeding 25 yds. long	„		0·100

Name of Article.	Tariff Unit and Duty.		
Cotton piece-goods—*contd.*	Per—		Hk. Taels.
Prints—*contd.*			
(*g.*) Printed sateens, printed satinets, printed reps, printed cotton lastings, including all cotton piece-goods which are both dyed and printed, except those specified in (*f*) and (*h*), and including any special finish, such as mercerised finish, schreiner finish, gassed finish, silk finish, or electric finish, not exceeding 32 ins. wide and not exceeding 32 yds. long	Piece		0·250
(*h.*) Duplex prints or reversible cretonnes (not including those goods known as blue and white printed T-cloths)	Value		5 per cent.
Dyed cottons—			
(*a.*) Dyed plain cottons, *i.e., without woven or embossed figures* (including plain Italians, lastings, reps, and ribs, and all other dyed plain cottons not otherwise enumerated, and including any special finish, such as mercerised finish, schreiner finish, gassed finish, silk finish, or electric finish), not exceeding 36 ins. wide and not exceeding 33 yds. long	Piece		0·240
(*b.*) Dyed figured cottons, *i.e., with woven or embossed figures* (including figured Italians and lastings, figured reps, and figured ribs, and all other dyed figured cottons not otherwise enumerated, and including any special finish, such as mercerised finish, schreiner finish, gassed finish, silk finish, or electric finish), not exceeding 36 ins. wide and not exceeding 33 yds. long	„		0·150
(*c.*) Dyed crimp cloth—			
(1.) Not exceeding 30 ins. wide and not exceeding 6 yds. long	„		0·027
(2.) Not exceeding 30 ins. wide, exceeding 6 yds. but not exceeding 10 yds. long	„		0·035
(3.) Not exceeding 30 ins. wide, but exceeding 10 yds. long	Yard		0·003½
(*d.*) Dyed drills, not exceeding 31 ins. wide and not exceeding 43 yards long	Piece		0·170
(*e.*) Dyed lenos and balzarines, not exceeding 31 ins. wide and not exceeding 30 yds. long	„		0·090
(*f.*) Dyed leno brocades	Value		5 per cent.
(*g.*) Dyed muslins, lawns, and cambrics, not exceeding 46 ins. wide and not exceeding 12 yds. long	Piece		0·037
(*h.*) Dyed shirtings and sheetings, not exceeding 36 ins. wide and not exceeding 43 yds. long	„		0·150
(*i.*) Hong Kong-dyed shirtings, not exceeding 36 ins. wide and not exceeding 20 yds. long	„		0·100
(*j.*) Dyed cotton cuts, not exceeding 36 ins. wide and not exceeding 5½ yds. long (*N.B.*—The *pro ratâ* rule does not apply.)	„		0·022½
(*k.*) Dyed T-cloths (including dyed alpacinos), dyed real and imitation Turkey reds of all kinds, not exceeding 32 ins. wide and not exceeding 25 yds. long—			
(1.) Weight 3¼ lb. and under	„		0·060
(2.) „ over 3¼ lb.	„		0·100

Name of Article.	Tariff Unit and Duty.		
	Per—		Hk. Taels.
Cotton piece-goods—*contd.*			
Flannelettes and cotton Spanish stripes—			
(*a.*) Cotton flannel, Canton flannel, swansdowns, flannelettes, and raised cotton cloths of all kinds, plain, dyed, and printed—			
(1.) Not exceeding 36 ins. wide and not exceeding 15 yds. long	Piece		0·065
(2.) Not exceeding 36 ins. wide, exceeding 15 yds. but not exceeding 30 yds. long	,, ...		0·130
(*b.*) Dyed cotton Spanish stripes—			
(1.) Not exceeding 32 inches wide and not exceeding 20 yds. long	,, ...		0·085
(2.) Exceeding 32 ins. but not exceeding 64 ins. wide, and not exceeding 20 yds. long	,, ...		0·170
Coloured woven cottons, *i.e.*, *dyed in the yarn*, except crimp cloth	Value		5 per cent.
Crimp cloth—			
(*a.*) Not exceeding 30 ins. wide and not exceeding 6 yds. long	Piece		0·027
(*b.*) Not exceeding 30 ins. wide and exceeding 6 yds. but not exceeding 10 yds. long	,, ...		0·035
(*c.*) Not exceeding 30 ins. wide but exceeding 10 yds. long	Yard		0·003½
Velvets and velveteens, velvet cords, and fustians—			
(*a.*) Velvets and velveteens, plain—			
(1.) Not exceeding 18 ins. wide	,, ...		0·006
(2.) Exceeding 18 ins. but not exceeding 22 ins. wide	,, ...		0·007
(3.) Exceeding 22 ins. but not exceeding 26 ins. wide	,, ...		0·008
(*b.*) Velvets and velveteens, printed or embossed, not exceeding 30 ins. wide	,, ...		0·015
(*c.*) Dyed velvet cords, dyed velveteen cords, dyed corduroys, dyed fustians of any description, not exceeding 30 ins. wide	,, ...		0·015
Blankets, cotton, plain, printed, or jacquard	Piece		0·030
Handkerchiefs, cotton—			
(*a.*) Plain, dyed, or printed, not embroidered, hem-stitched, or initialled, not exceeding 1 yd. square	Dozen		0·020
(*b.*) All other handkerchiefs	Value		5 per cent.
Singlets or drawers, cotton	Dozen		0·125
Socks, cotton (including Lisle thread)—			
1st quality (*i.e.*, valued at 1 tael or over per dozen pairs)	Dozen pairs		0·075
2nd quality (*i.e.*, valued at less than 1 tael per dozen pairs)	,, ...		0·032
Towels, cotton—			
(*a.*) Honeycomb or huckaback, plain or printed (dimensions exclusive of fringe)—			
(1.) Not exceeding 18 inches wide and not exceeding 40 ins. long	Dozen		0·020
(2.) Exceeding 18 ins. wide and not exceeding 50 ins. long	,, ...		0·030
(*b.*) All other towels	Value		5 per cent
Cottons, unclassed	,, ...		,,
Cotton, raw	Picul		0·600

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Cotton thread—		
Ball thread, dyed or undyed	Picul	3·000
On spools, 50 yds.	Gross	0·040
„ 100 „	„	0·080
„ 200 „	„	0·160
Cotton yarn—		
Grey or bleached	Picul	0·950
Dyed	Value	5 per cent.
Gassed	„	„
Mercerised	„	„
Wooloa or berlinette	Picul	3·500
Cow bezoar, Indian	Value	5 per cent.
Crabs' flesh	Picul	0·600
Crocodile (including armadillo) scales	„	2·725
Currants	„	0·500
Cutch	„	0·300
Cuttle-fish	„	0·667
Dyes, colours, and paints—		
Aniline	Value	5 per cent.
Blue, Paris	Picul	1·500
„ Prussian	„	1·500
Bronze powder	„	2·200
Carthamin	Value	5 per cent.
Chrome yellow	„	„
Cinnabar	Picul	3·750
Gamboge	„	2·700
Green—		
Emerald	„	1·000
Schweinfurt, or imitation	„	1·000
Indigo—		
Dried, artificial or natural	Value	5 per cent.
Liquid, artificial	Picul	2·025
„ natural	„	0·215
Paste, artificial	„	2·025
Lead—		
Red, dry or mixed with oil	„	0·450
White	„	0·450
Yellow	„	0·450
Logwood extract	„	0·600
Ochre	„	0·600
Smalt	„	1·600
Ultramarine	„	0·500
Vermilion	„	4·000
„ imitation	Value	5 per cent.
White zinc	„	„
Paints, unclassed	„	„
Elephants' teeth (other than tusks) and jaws, whole or parts	Picul	3·000
Elephants' tusks, whole or parts	Catty	0·170
Emery cloth and sandpaper (sheets not exceeding 144 square ins.)	Ream	0·250
Emery powder	Value	5 per cent.
Enamelled ironware—		
Mugs, cups, basins, and bowls, 9 ins. or under in diameter, decorated or undecorated	Dozen	0·050
Basins and bowls, over 9 ins. in diameter, agate, blue and white, grey, mottled, undecorated	„	0·090

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Enamelled ironware—*contd.*		
Basins and bowls, over 9 ins. in diameter, decorated (with gold)	Dozen	0·175
Basins and bowls, over 9 ins. in diameter, decorated (without gold)	„	0·125
Enamelware, unclassed	Value	5 per cent.
Fans—		
Palm-leaf, coarse	Thousand	0·280
„ fine	„	0·450
„ fancy	„	1·000
Paper or cotton, of all kinds	„	1·400
Silk	Value	5 per cent.
Feathers—		
Kingfisher, part skins (*i.e.*, wings, tails, or backs)	Hundred	0·250
„ whole skins	„	0·600
Peacock	Value	5 per cent.
Files. See Tools.		
Fireclay	Picul	0·050
Firewood	„	0·010
Fish—		
Cuttle	„	0·667
Dried or smoked, in bulk (including stock-fish but not including cuttle-fish)	„	0·315
Fresh	„	0·137
Maws	„	4·250
Salt	„	0·160
Skins	„	0·600
Stock	„	0·315
Flints	„	0·040
Flour. See Cereals.		
Flour, arrowroot, potato, sago, tapioca, yam	Value	5 per cent.
Fungus or agaric	Picul	1·715
„ white	Catty	0·250
Galangal	Picul	0·170
Gambier	„	0·300
„ false, or cuano (yam-root dye-stuff)	„	0·150
Gamboge	„	2·700
Gasolene or stove naphtha	10 gal. drum.	0·150
Ginseng—		
Crude, 1st quality (value exceeding 2 taels per catty)	Catty	0·220
Crude, 2nd quality (value not exceeding 2 taels per catty)	„	0·072
Clarified or cleaned, 1st quality (value exceeding 11 taels per catty)	„	1·100
Clarified or cleaned, 2nd quality (value exceeding 6 taels but not exceeding 11 taels per catty)	„	0·375
Clarified or cleaned, 3rd quality (value exceeding 2 taels but not exceeding 6 taels per catty)	„	0·220
Clarified or cleaned, 4th quality (value not exceeding 2 taels per catty)	„	0·080
Glass—		
Plate, silvered	Square foot	0·025
„ unsilvered	Value	5 per cent.
Powder. See Match-making materials.		
Window, coloured, stained, ground, or obscured	Box of 100 sq. ft.	0·350

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Glass—*contd.*		
Window, common, not stained, coloured, or otherwise obscured	Box of 100 sq. ft.	0·170
Glue	Picul	0·330
Gold thread, imitation. See Thread.		
Ground-nuts	„	0·150
Gum—		
Arabic	„	1·000
Benjamin	„	0·600
„ oil of	Value	5 per cent.
Dragon's blood	Picul	4·000
Myrrh	„	0·465
Olibanum	„	0·450
Resin	„	0·187
Gutta-percha. See India-rubber.		
Hair—		
Horse	„	1·400
„ tails	„	2·500
Hams	Value	5 per cent.
Handkerchiefs. See Cotton piece-goods.		
Hartall or orpiment	Picul	0·450
Hemp	Value	5 per cent.
Hessians or butlaps, all weights	1,000 yards	2·850
Hide poison or specific	Value	5 per cent.
Hides, buffalo and cow	Picul	0·800
Hollow-ware, cast: coated or tinned	„	0·500
Hoofs, animal	„	0·125
Hops	Value	5 per cent.
Horns—		
Buffalo and cow	Picul	0·350
Deer	Value	5 per cent.
Rhinoceros	Catty	2·400
Hosiery. See Cotton piece-goods (socks).		
India-rubber and gutta-percha articles (other than boots and shoes)	Value	5 per cent.
India-rubber and gutta percha, crude	Picul	3·140
„ boots	Pair	0·080
„ shoes	„	0·020
„ old (fit only for re-manufacture)	Picul	0·250
Indigo—		
Dried, artificial or natural	Value	5 per cent.
Liquid, artificial	Picul	2·025
„ natural	„	0·215
Paste, artificial	„	2·025
Ink, printing	Value	5 per cent.
Isinglass (fish glue)	Picul	4·000
„ vegetable	„	1·750
Jams and Jellies—		
1-lb. tins, bottles, or jars	Dozen	0·060
2-lb. „ „ „	„	0·118
Joss sticks	Picul	0·040
Kerosene oil cans and cases, empty	2 cans in 1 case	0·005

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Lace open-work or insertion-work of cotton, machine-made—		
(*a.*) Not exceeding 1 in. wide, outside measurement	12 dozen yards	0·050
(*b.*) Exceeding 1 in. but not exceeding 2 ins. wide, outside measurement	„	0·100
(*c.*) Exceeding 2 ins. but not exceeding 3 ins. wide, outside measurement	„	0·166
(*d.*) Exceeding 3 ins. wide, outside measurement	„	0·216
Lace open-work or insertion-work of any fibrous material except silk or cotton or imitation gold or silver thread—		
(*a.*) Machine made	Catty	0·500
(*b.*) Hand made (including cotton)	„	2·400
Lacquerware	Value	5 per cent.
Lamps and accessories	„	„
Lampwick	Picul	2·000
Lard, pure or compound	„	0·600
Lead, red, white, yellow, dry or mixed with oil	„	0·450
Leather—		
Belting	Value	5 per cent.
Calf	Picul	7·000
Coloured	„	7·000
Cow	„	2·500
Harness (not including enamelled or pig-skin)....	„	3·000
Kid	„	7·000
Sole	„	2·500
Patent	„	7·000
All other kinds	Value	5 per cent.
Lichees, dried	Picul	0·450
Lily flowers, dried	„	0·325
„ seed (*i.e.*, lotus-nuts without husks)	„	1·000
Lime, chloride of	„	0·300
Linen	Value	5 per cent.
Liqueurs. See Wines, &c.		
Liquorice	Picul	0·500
Logwood extract	„	0·600
Lotus-nuts (*i.e.*, lily seeds with husks)	„	0·400
Lucraban seed	„	0·350
Lung-ngan pulp	„	0·550
Lung-ngans, dried	„	0·450
Macaroni and vermicelli, and similar pastes	„	0·325
Mace	Value	5 per cent.
Machines, sewing, hand or foot	„	„
Madeira. See Wines, &c. (Vins de liqueur.)		
Malaga. See Wines, &c. (Vins de liqueur.)		
Malt	Picul	0·370
Mangrove bark	„	0·073
Manure, chemical	Value	5 per cent.
*Margarine, in tins, jars, or kegs	Picul	1·400
Marsala. See Wines, &c. (Vins de liqueur.)		
Matches—		
Rainbow or brilliant	50-gr. boxes	1·500
Wax vestas, not exceeding 100 in a box....	10-gr. „	1·600

* In 1904, the specific duty leviable on margarine was abolished, and an *ad valorem* rate of 5 per cent. substituted therefor. "Board of Trade Journal," 16th June, 1904.

Name of Article.	Tariff Unit and Duty.		
	Per—		Hk. Taels.
Matches—*contd.*			
Wood, safety or other, large—boxes not exceeding 2¼ ins. by 1½ ins. by ¼ in.	50-gr. boxes		0·630
Wood, safety or other, small—boxes not exceeding 2 ins. by 1¾ ins. by ⅛ in.	100-gr. „		0·920
Wood, safety or other—boxes exceeding above sizes	Value		5 per cent.
Match-making materials—			
Glass powder	Picul		0·110
Phosphorus	„		4·125
Splints	„		0·088
Wax, paraffin	„		0·500
Wood shavings	„		0·113
Mats—			
Coir (door)	Dozen		1·000
Formosa, grass (bed)	Each		0·050
Rush	Hundred		0·500
Straw	„		0·225
Tatami	Each		0·045
Matting—			
Coir, not exceeding 36 ins. wide	Roll of 100 yds.		2·750
Straw „ 36 „	Roll of 40 yds.		0·250
Meats, in bulk—			
Beef, corned, pickled, in barrels	Picul		0·375
Dry salted meat, in boxes and barrels	„		0·475
„ sausages	„		0·808
Ham and breakfast bacon, in boxes or barrels	Value		5 per cent.
Lard, pure or compound	Picul		0·600
Melon seeds	„		0·250
Metals—			
Anti-friction	Value		5 per cent.
Antimony	Picul		0·700
Brass and yellow metal—			
Bars and rods	„		1·150
Bolts and nuts and accessories	„		1·150
Foil	„		1·675
Nails	„		1·150
Screws	Value		5 per cent.
Sheets, plates, and ingots	Picul		1·150
Tubes	„		1·150
Wire	„		1·150
Copper—			
Bars and rods	„		1·300
Bolts, nuts, rivets, and washers	Value		5 per cent.
Ingots	Picul		1·175
Nails	„		1·300
Sheets and plates	„		1·300
Slabs	„		1·175
Tacks	Value		5 per cent.
Tubes	„		5 per cent.
Wire	Picul		1·300
Dross—			
Iron	„		0·160
„ and tin	„		0·300
Tin	„		0·500
German silver—			
Sheets	„		2·200
Wire	„		1·500

Name of Article.	Tariff Unit and Duty.		
	Per—		Hk. Taels.
Metals—*contd.*			
Iron and mild steel, new—			
Anchors, and parts thereof; mill iron; mill and ships' cranks; and forgings for vessels, steam engines, and locomotives (weighing each 25 lb. or over)	Picul		0·265
Angles	„		0·140
Anvils, and parts of	„		0·400
Bar	„		0·140
Bolts and nuts	Value		5 per cent.
Castings, rough	Picul		0·140
Chains, and parts of	„		0·265
Cobbles and wire shorts	„		0·130
Hoops	„		0·140
Kentledge	„		0·075
Nail-rod	„		0·140
Nails—			
Wire	„		0·200
Other kinds	Value		5 per cent.
Pig	Picul		0·075
Pipes and tubes	Value		5 per cent.
Plate cuttings	Picul		0·110
Plates and sheets	„		0·140
Rails	„		0·125
Rivets	„		0·250
Screws	Value		5 per cent.
Sheets and plates	Picul		0·140
Tacks, blue, of all sizes	„		0·400
Wire	„		0·250
Iron, galvanized—			
Bolts and nuts	Value		5 per cent.
Cobbles and wire shorts	Picul		0·130
Sheets—			
Corrugated	„		0·275
Plain	„		0·275
Tubes	Value		5 per cent.
Wire	Picul		0·250
„ shorts	„		0·130
Iron, old and scrap, of any description (fit only for re-manufacture)	„		0·090
Lead—			
In pigs	„		0·285
In sheets	„		0·330
Pipes	„		0·375
Nickel, unmanufactured	„		2·600
Quicksilver	„		4·280
Spelter	„		0·375
Steel—			
Bamboo	„		0·250
Bars	„		0·250
Plates and sheets	„		0·250
Tool and cast	„		0·750
Wire and wire rope	„		0·750
Steel, mild. See Iron.			
Tin compound	Value		5 per cent.
„ foil	„		„
„ sheets and pipes	Picul		1·725
„ slabs	„		1·500
„ tacks, blue, of all sizes	„		0·400

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Metals—*contd.*		
Tinned plates—		
Decorated	Picul	0·350
Plain	,,	0·290
White metal—		
Sheets	,,	2·200
Wire	,,	1·500
Yellow metal. See Brass.		
Zinc boiler plates	,,	0·600
,, powder	,,	0·400
,, sheets, including perforated	,,	0·520
Milk, condensed, in tins	Case of 4 dozen 1-lb. tins	0·250
Mineral waters	12 bottles or 24 ½-bottles	0·050
Mirrors	Value	5 per cent.
Morphia, in all forms	Ounce	3·000
Moulding	1,000 feet	1·050
Mushrooms	Picul	1·800
Musical boxes	Value	5 per cent.
Musk	Catty	9·000
Mussels, dried	Picul	0·400
Needles—		
No. 7/0	100 mille	1·800
No. 3/0	,,	1·500
Assorted, not including 7/0	,,	0·985
Nutgalls	Picul	0·870
Nutmegs	,,	1·500
Oakum	,,	0·500
Oil—		
Castor, lubricating	,,	0·510
,, medicinal	,,	1·000
Clove	Catty	0·150
Cocoa-nut	Picul	0·400
Colza	American gall.	0·050
Engine—		
(*a.*) Wholly or partly of mineral origin	,, ,,	0·015
(*b.*) All other kinds (except castor)	,, ,,	0·025
Ginger	Picul	6·750
Kerosene	Case of 10 American galls.	0·070
In bulk	10 American galls.	0·050
In cans and cases, empty	2 cans in 1 case	0·005
Olive	Imperial gall.	0·062
Sandalwood	Catty	0·240
Wood	Picul	0·500
Olives, fresh, pickled, or salted	,,	0·180
Opium	Picul { Duty / *Li-kin*	30·000 / 80·000
,, husk	Catty	0·062
Orange peel	Picul	0·800
Oysters, dried	Value	5 per cent.
Packing, asbestos. See Asbestos.		
Packing, engine and boiler, all other kinds	,,	5 per cent.
Paints. See Dyes, Colours, and Paints.		

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
*Paper—		
Cigarette, not exceeding 2 ins. by 4 ins.	100,000 leaves	0·125
Printing, calendered and sized	Picul	0·700
,, uncalendered or unsized	,,	0·300
Writing or foolscap	,,	1·200
All other kinds	Value	5 per cent.
Peel, orange	Picul	0·800
Pepper—		
Black	,,	0·760
White	,,	1·330
Perfumery	Value	5 per cent.
Phosphorus	Picul	4·125
Pitch	,,	0·125
Plushes and velvets—		
(*a.*) Plushes and velvets of pure silk	Catty	0·650
(*b.*) Silk seal (with *cotton* back)	,,	0·200
(*c.*) Plushes and velvets of silk mixed with other fibrous materials (with *cotton* back)	,,	0·150
(*d.*) Plushes, all cotton (including mercerised)	,,	0·110
(*e.*) Velvets, cotton. See Cotton piece-goods.		
Pork rind	Picul	0·500
Prawns, dried. See also Shrimps	,,	1·000
Preserved fruits, in glass bottles, jars, cardboard or wooden boxes, including weight of immediate package	,,	0·650
Purses, leather (not including silver or gold mounted)	Gross	0·500
Putchuck	Picul	0·715
Raisins and currants	,,	0·500
Rattan chairs	Value	5 per cent.
,, core	Picul	0·225
,, skin	,,	0·750
Rattans—		
Split	,,	0·325
Whole	,,	0·225
Resin	Picul	0·187
*Ribbons, silk, silk and cotton, silk and other fibres, with or without imitation gold or silver thread	Catty	0·550
Rope	Value	5 per cent.
Rose maloes	Picul	1·000
Safflower	,,	0·525
Saké, in barrels	,,	0·400
,, in bottles	12 bottles or 24 ½-bottles	0·110
Saltpetre and nitrate of soda	Picul	0·325
Sand, red	,,	0·045
Sandalwood	,,	0·400
Sapanwood	,,	0·112
Seahorse teeth	Value	5 per cent.

* In 1904, it was arranged that printing and writing paper should be dutiable, at importers' option, either at the specific rates contained in the Tariff, or at 5 per cent. *ad valorem*. The specific duty leviable on Ribbons was also abolished, and an *ad valorem* rate of 5 per cent substituted therefor. "Board of Trade Journal," 16th June, 1904.

[Chinese Import Tariff.]

Name of Article.	Tariff Unit and Duty.		
Seaweed—	Per—		Hk. Taels.
Cut	Picul		0·150
Long	,,		0·100
Prepared	,,		1·000
Seed—			
Lily (*i.e.*, lotus-nuts *without* husks)	,,		1·000
Lotus-nuts (*i.e.*, lily seeds *with* husks)	,,		0·400
Lucraban	,,		0·350
Melon	,,		0·250
Pine, or fir-nuts	,,		0·200
Sesamum	,,		0·200
Sharks' fins—			
Black	,,		1·608
Clarified or prepared	,,		6·000
White	,,		4·600
Shellac	,,		2·500
Shells—			
Mother-of-pearl	,,		0·700
Other kinds	Value		5 per cent.
Sherry. See Wines, &c. (Vins de liqueur).			
Shoes and boots, india-rubber, for Chinese—			
Boots	Pair		0·080
Shoes	,,		0·020
Shrimps, dried. See also Prawns	Picul		0·630
*Silk, piece-goods, all silk (including crape)—			
(*a.*) Plain	Catty		0·325
(*b.*) Brocaded or otherwise figured	,,		0·700
*Silk piece-goods, mixtures (*i.e.*, silk and cotton, or silk and other materials), including crape, but not including mixtures with real or imitation gold or silver thread—			
(*a.*) Plain	,,		0·250
(*b.*) Brocaded or otherwise figured	,,		0·500
Silver thread, imitation. See Thread.			
Sinews—			
Buffalo and cow	Picul		0·550
Deer	,,		1·050
Singlets or drawers—			
Cotton	Dozen		0·125
Mixture	Value		5 per cent.
Skins—			
Fish	Picul		0·600
Sharks	Value		5 per cent.
Smalt	Picul		1·600
Snuff	Value		5 per cent.
Soap, household and laundry (including blue mottled), in bulk, bars, and doublets weighing not less than ½ lb. each	Picul		0·240
Soap, toilet and fancy	Value		5 per cent.
Socks, cotton (including Lisle thread)—			
1st quality (*i.e.*, valued at 1 tael or over per dozen pairs)	Dozen pairs		0·075
2nd quality (*i.e.*, valued at less than 1 tael per dozen pairs)	,,		0·032
Soda—			
Ash	Picul		0·150
Bicarbonate	,,		0·150

* In 1904, the specific duties leviable on Silk piece-goods were abolished, and an *ad valorem* rate of 5 per cent. substituted therefor. "Board of Trade Journal," 16th June, 1904.

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Soda—*contd.*		
Caustic	Picul	0·225
Crystals	,,	0·120
,, concentrated	,,	0·140
Soy	,,	0·250
Spirits. See Wines, &c.		
Spirits of wine. See Wines, &c.		
Sticklac	,,	0·700
Stout. See Wines, &c.		
Sugar—		
Brown, up to No. 10 Dutch standard	,,	0·190
Candy	,,	0·300
White, No. 11 Dutch standard and over, including cube and refined	,,	0·240
Sulphur and brimstone—		
Crude	,,	0·150
Refined	,,	0·250
Sulphuric acid	,,	0·187
Sunshades. See Umbrellas.		
Telescopes, binoculars, and mirrors	Value	5 per cent.
Thread, cotton—		
Balls, dyed or undyed	Picul	3·000
Spools, 50 yds.	Gross	0·040
Thread—		
Gold and silver, imitation, on silk	Value	5 per cent.
,, ,, real	,,	,,
,, imitation, on cotton	Catty	0·125
Silver ,, ,,	,,	0·090
Tiles, 6 ins. square	Hundred	0·600
Timber—		
Beams, hard-wood	Cubic foot	0·020
,, soft wood, including Oregon pine and Californian red-wood, on a thickness of 1 in.	1,000 sup. ft.	1·150
Beams, teak-wood	Cubic foot	0·081
Laths	Thousand	0·210
Masts and spars, hard-wood	Value	5 per cent.
,, ,, soft-wood	,,	,,
Piles and piling, including Oregon pine and Californian red-wood, on a thickness of 1 in.	1,000 sup. ft.	1·150
Planks, hard-wood	Cubic foot	0·020
,, and flooring, soft-wood, including Oregon pine and Californian red-wood, and allowing 10 per cent. of each shipment to be tongued and grooved, on a thickness of 1 in.	1,000 sup. ft.	1·150
Planks and flooring, soft-wood, tongued and grooved, in excess of above 10 per cent.	Value	5 per cent.
Planks, teak-wood	Cubic foot	0·081
Railway sleepers	Value	5 per cent.
Teak-wood lumber, of all lengths and description	Cubic foot	0·081
Tinder	Picul	0·350
Tin-foil	Value	5 per cent.
Tobacco—	,,	
Leaf	Picul	0·800
Prepared, in bulk	,,	0·950
,, tins or packages under 5 lb. each	Value	5 per cent.
Tools—		
Axes and hatchets	Dozen	0·500

Name of Article.	Tariff Unit and Duty.	
	Per—	Hk. Taels.
Tools—*contd.*		
Files, file blanks, rasps and floats, of all kinds—		
Not exceeding 4 ins. long	Dozen	0·040
Exceeding 4 ins. and not exceeding 9 ins. long	,,	0·072
Exceeding 9 ins. and not exceeding 14 ins. long	,,	0·168
Exceeding 14 ins. long	,,	0·224
Tortoiseshell	Catty	0·450
Trimmings—		
Bead	Value	5 per cent.
Of cotton, pure or mixed with other materials, but not silk	,,	,,
Of cotton, mixed with silk and imitation gold or silver thread	,,	,,
Turmeric	Picul	0·185
Turpentine	Gallon	0·036
Twine	Value	5 per cent.
Ultramarine	Picul	0·500
Umbrella frames	Dozen	0·080
Umbrellas, parasols and sunshades—		
With handles wholly or partly of precious metals, ivory, mother-of-pearl, tortoise-shell, agate, &c., or jewelled	Value	5 per cent.
With all other handles, all cotton	Each	0·020
,, ,, mixtures, not silk	,,	0·030
,, ,, silk and silk mixtures	,,	0·080
Varnish, crude lacquer, gum lacquer, or oil lacquer	Value	5 per cent.
Vaseline	,,	,,
Vegetables, dried and salted or pickled, in bulk	,,	,,
Vermicelli	Picul	0·325
Vermilion	,,	4·000
Vermouth. See Wines, &c.		
Watches, of all kinds	Value	5 per cent.
Waters, aërated and mineral	12 bottles or 24 ½-bottles	0·050
Wax—		
Bees, yellow	Picul	1·600
Japan	,,	0·650
Paraffin	,,	0·500
Sealing	Value	5 per cent.
White	,,	,,
Wines, &c.—		
Champagnes and all other sparkling wines, in bottles	Case of 12 bottles or 24 ½-bottles	0·650
Still wines, red or white, exclusively the produce of the natural fermentation of grapes—		
(*a.*) Having less than 14 degrees of alcohol		
(1.) In bottles	Case of 12 bottles or 24 ½-bottles	0·300
(2.) In bulk	Imperial gallon	0·025
(*b.*) Having 14 degrees or more of alcohol; also vins de liqueur other than port—		
(1.) In bottles	Case of 12 bottles or 24 ½-bottles	0·500
(2.) In bulk	Imperial gallon	0·150
Port wine—		
In bottles	Case of 12 bottles or 24 ½-bottles	0·700
In bulk	Imperial gallon	0·175

Name of Article.	Tariff Unit and Duty.		
		Per—	Hk. Taels.
Wines, &c.—*contd.*			
Vermouth and byrrh	Case of 12 litres		0·250
Saké—			
In barrels	Picul		0·400
In bottles	Case of 12 bottles or 24 ½-bottles		0·110
Brandies and whiskies, in bulk	Imperial gallon		0·125
Brandy and cognac, in bottles	Case of 12 reputed quarts		0·500
Whisky, in bottles	,,		0·350
Other spirits (gin, rum, &c.)—			
In bottles	,,		0·200
In bulk	Imperial gallon		0·090
Spirits of wine, in packages of any description	,,		0·028
Ales, beers, cider, perry—			
In bottles	Case of 12 reputed quarts or 24 reputed pints		0·085
In casks	Imperial gallon		0·020
Porters and stouts—			
In bottles	Case of 12 reputed quarts or 24 reputed pints		0·100
In casks	Imperial gallon		0·025
Liqueurs	Value		5 per cent.
Wood—			
Camagon	Picul		0·090
Ebony	,,		0·200
Fragrant	Value		5 per cent.
Garoo	Catty		0·100
Kranjee	Value		5 per cent.
Laka	Picul		0·125
Lignum-vitæ	Value		5 per cent.
Puru	Picul		0·075
Red	,,		0·200
Rose	,,		0·200
Sandal	,,		0·400
Sapan	,,		0·112
Scented	Value		5 per cent.
Shavings, hinoki	Picul		1·000
Woollen and cotton mixtures—			
Flannel (woollen and cotton): not exceeding 33 ins. wide	Yard		0·015
Italian cloth, plain or figured, having warp entirely cotton and all one colour, and weft entirely wool and all one colour: not exceeding 32 ins. wide and not exceeding 32 yds. long	Piece		0·372
Poncho cloth: not exceeding 76 ins. wide	Yard		0·030
Spanish stripes (woollen and cotton): not exceeding 64 ins. wide	,,		0·014
Union cloth: not exceeding 76 ins. wide	,,		0·030
Woollen and cotton mixtures, unclassed, including alpacas, lustres, orleans, sicilians, &c.	Value		5 per cent.
Woollen manufactures—			
Blankets and rugs	Pound		0·020
Broadcloth: not exceeding 76 ins. wide	Yard		0·047½
Bunting not exceeding 24 ins. wide and not exceeding 40 yds. long	Piece		0·200
,, not exceeding 33 ins. wide and not exceeding 61 yds. long	,,		1·000

Name of Article.	Tariff Unit and Duty.		
	Per—		Hk. Taels.
Woollen manufactures—*contd.*			
Camlets, English: not exceeding 31 ins. wide and not exceeding 61 yds. long	Piece		0·500
Flannel: not exceeding 33 ins. wide	Yard		0·015
Habit cloth: not exceeding 76 ins. wide	,,		0·047½
Lastings, plain, figured or crêped: not exceeding 31 ins. wide and not exceeding 32 yds. long	Piece		0·450
Llama braid	Picul		5·000
Long ells: not exceeding 31 ins. wide and not exceeding 25 yds. long	Piece		0·250
Medium cloth: not exceeding 76 ins. wide	Yard		0·047½
Russian cloth: not exceeding 76 ins. wide	,,		0·047½
Spanish stripes: not exceeding 64 ins. wide	,,		0·021
Woollens, unclassed	Value		5 per cent.
Woollen and worsted yarns and cords (not including Berlin wool)	Picul		5·300
Berlin wool	,,		4·000
Wooloa or berlinette....	,,		3·500
Worm tablets, in bottles, not exceeding 60 pieces	Dozen		0·035
Yarn—			
Asbestos	Picul		2·250
Coir....	Value		5 per cent.
Cotton, bleached or grey	Picul		0·950
,, dyed	Value		5 per cent.
,, grey	Picul		0·950
,, mercerised or gassed	Value		5 per cent.
,, wooloa or berlinette	Picul		3·500
Wool, Berlin	,,		4·000
Woollen and worsted (not including Berlin wool)	,,		5·300

NOTE.—If any of the articles enumerated in this Tariff are imported in dimensions exceeding those specified, the Duty is to be calculated in proportion to the measurements as defined.

RULES.

RULE I.

Imports unenumerated in this Tariff will pay Duty at the rate of 5 per cent. *ad valorem;* and the value upon which Duty is to be calculated shall be the market value of the goods in local currency. This market value when converted into Haikwan taels shall be considered to be 12 per cent. higher than the amount upon which Duty is to be calculated.

If the goods have been sold before presentation to the Customs of the application to pay Duty, the gross amount of the *bonâ fide* contract will be accepted as evidence of the market value. Should the goods have been sold on c. f. and i. terms, that is to say, without inclusion in the price of Duty and other charges, such c. f. and i. price shall be taken as the value for Duty-paying purposes without the deduction mentioned in the preceding paragraph.

If the goods have not been sold before presentation to the

Customs of the application to pay Duty, and should a dispute arise between Customs and importer regarding the value or classification of goods, the case will be referred to a Board of Arbitration composed as follows:—

An official of the Customs;
A merchant selected by the Consul of the importer; and
A merchant, differing in nationality from the importer, selected by the Senior Consul.

Questions regarding procedure, &c., which may arise during the the sittings of the Board shall be decided by the majority. The final finding of the majority of the Board, which must be announced within 15 days of the reference (not including holidays), will be binding upon both parties. Each of the two merchants on the Board will be entitled to a fee of ten Haikwan taels. Should the Board sustain the Customs valuation, or, in the event of not sustaining that valuation, should it decide that the goods have been undervalued by the importer to the extent of not less than 7½ per cent., the importer will pay the fees; if otherwise, the fees will be paid by the Customs. Should the Board decide that the correct value of the goods is 20 per cent. (or more) higher than that upon which the importer originally claimed to pay Duty, the Customs authorities may retain possession of the goods until full Duty has been paid, and may levy an additional Duty equal to four times the Duty sought to be evaded.

In all cases invoices, when available, must be produced if required by the Customs.

RULE II.

The following will not be liable to Import Duty: Foreign rice, cereals, and flour; gold and silver, both bullion and coin; printed books, charts, maps, periodicals, and newspapers.

A freight or part freight of Duty-free commodities (gold and silver bullion and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

Drawbacks will be issued for ships' stores and bunker coal when taken on board.

RULE III.

Except at the requisition of the Chinese Government, or for sale to Chinese duly authorized to purchase them, import trade is prohibited in all arms, ammunition, and munitions of war of every description. No permit to land them will be issued until the Customs have proof that the necessary authority has been given to the importer. Infraction of this rule will be punishable by confiscation of all the goods concerned. The import of salt is absolutely prohibited.

[Here follow the signatures of the Special Commissioners.*]

* Signed also by the Representative of the United States of America, 6th September, 1902; and by the Representatives of France, and of Sweden and Norway, 8th March, 1904.

(No. 28.) *TREATY between Great Britain and China respecting Commercial Relations, &c.* Signed at Shanghai, 5th September,* 1902.

[Signed also in Chinese.]

[Ratifications exchanged at Peking, July 28, 1903.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China, having resolved to enter into negotiations with a view to carrying out the provision contained in Article 11 of the Final Protocol signed at Peking on the 7th September, 1901 (**No. 26**), under which the Chinese Government agreed to negotiate the amendments deemed useful by the foreign Governments to the Treaties of Commerce and Navigation and other subjects concerning commercial relations with the object of facilitating them, have for that purpose named as their Plenipotentiaries, that is to say :

His Majesty the King of Great Britain and Ireland, His Majesty's Special Commissioner, Sir James Lyle Mackay, Knight Commander of the Most Eminent Order of the Indian Empire, a member of the Council of the Secretary of State for India, &c.

And His Majesty the Emperor of China, the Imperial Commissioners Lü Hai-huan, President of the Board of Public Works, &c., and Shêng Hsüan-huai, Junior Guardian of the Heir-Apparent, Senior Vice-President of the Board of Public Works, &c.

Who having communicated to each other their respective full powers, and found them to be in good and due form have agreed upon and concluded the following articles :—

ARTICLE I.

Drawback Certificates.

Delay having occurred in the past in the issue of Drawback Certificates owing to the fact that those documents have to be dealt with by the Superintendent of Customs at a distance from the Customs Office, it is now agreed that Drawback Certificates shall hereafter in all cases be issued by the Imperial Maritime Customs within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such Drawback Certificates.

These Certificates shall be valid tender to the Customs authorities in payment of any duty upon goods imported or exported (transit dues excepted), or shall, in the case of Drawbacks on foreign goods re-exported abroad within three years from the date of importation, be payable in cash without deduction by the Customs Bank at the place where the import duty was paid.

But if, in connection with any application for a Drawback

* Parliamentary Paper, Treaty Series, No. 17 (1903).

Certificate, the Customs authorities discover an attempt to defraud the revenue, the applicant shall be liable to a fine not exceeding five times the amount of the duty whereof he attempted to defraud the Customs, or to a confiscation of the goods.

ARTICLE II.

*National Coinage.**

China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by British as well as Chinese subjects.

ARTICLE III.

Duties and Li-kin *on Goods carried by Junks from Hong Kong to Treaty Ports in the Canton Province.*

China agrees that the duties and *li-kin* combined levied on goods carried by junks from Hong Kong to the Treaty Ports in the Canton Province and *vice versâ*, shall together not be less than the duties charged by the Imperial Maritime Customs on similar goods carried by steamer.

ARTICLE IV.

Chinese Investments in non-Chinese Enterprises and Companies.

Whereas questions have arisen in the past concerning the right of Chinese subjects to invest money in non-Chinese enterprises and companies, and whereas it is a matter of common knowledge that large sums of Chinese capital are so invested, China hereby agrees to recognise the legality of all such investments past, present, and future.

Joint-Stock Companies.

It being, moreover, of the utmost importance that all shareholders in a Joint-Stock Company should stand on a footing of perfect equality as far as mutual obligations are concerned, China further agrees that Chinese subjects who have or may become shareholders in any British Joint-Stock Company shall be held to have accepted, by the very act of becoming shareholders, the Charter of Incorporation or Memorandum and Articles of Association of such Company and regulations framed thereunder as interpreted by British Courts, and that Chinese Courts shall enforce compliance therewith by such Chinese shareholders, if a suit to that effect be entered, provided always that their liability shall not be other or greater than that of British shareholders in the same Company.

Similarly the British Government agree that British subjects investing in Chinese Companies shall be under the same obligations as the Chinese shareholders in such Companies.

* See Annex A.

The foregoing shall not apply to cases which have already been before the Courts and been dismissed.

ARTICLE V.

Removal of Obstructions in the Canton River.

The Chinese Government undertake to remove within the next two years the artificial obstructions to navigation in the Canton River. The Chinese Government also agree to improve the accommodation for shipping in the harbour of Canton and to take the necessary steps to maintain that improvement, such work to be carried out by the Imperial Maritime Customs, and the cost thereof to be defrayed by a tax on goods landed and shipped by British and Chinese alike according to a scale to be arranged between the merchants and Customs.

Navigation of the Upper Yang-tsze.

The Chinese Government are aware of the desirability of improving the navigability by steamer of the waterway between Ichang and Chungking, but are also fully aware that such improvement might involve heavy expense and would affect the interests of the population of the Provinces of Szechuen, Hunan, and Hupeh. It is, therefore, mutually agreed that until improvements can be carried out steam-ship owners shall be allowed, subject to approval by the Imperial Maritime Customs, to erect, at their own expense, appliances for hauling through the rapids. Such appliances shall be at the disposal of all vessels, both steamers and junks, subject to regulations to be drawn up by the Imperial Maritime Customs. These appliances shall not obstruct the waterway or interfere with the free passage of junks. Signal stations and channel marks, where and when necessary, shall be erected by the Imperial Maritime Customs. Should any practical scheme be presented for improving the waterway and assisting navigation without injury to the local population or cost to the Chinese Government, it shall be considered by the latter in a friendly spirit.

ARTICLE VI.

Facilities for Bonding, and for Repacking Merchandise in Bond, in the Open Ports. Bonded Warehouses.

The Chinese Government agree to make arrangements to give increased facilities at the open ports for bonding and for repacking merchandise in bond, and, on official representation being made by the British authorities, to grant the privileges of a bonded warehouse to any warehouse which it is established to the satisfaction of the Customs authorities affords the necessary security to the revenue.

Such warehouses will be subject to regulations, including a scale of fees according to commodities, distance from custom-

house and hours of working, to be drawn up by the Customs authorities who will meet the convenience of merchants so far as is compatible with the protection of revenue.

ARTICLE VII.

Protection of Trade Marks.

Inasmuch as the British Government afford protection to Chinese trade-marks against infringement, imitation, or colourable imitation by British subjects, the Chinese Government undertake to afford protection to British trade-marks against infringement, imitation, or colourable imitation by Chinese subjects.

The Chinese Government further undertake that the Superintendents of Northern and of Southern Trade shall establish offices within their respective jurisdictions under control of the Imperial Maritime Customs where foreign trade-marks may be registered on payment of a reasonable fee.

[For Notes exchanged between Great Britain and Foreign Powers respecting the reciprocal Protection of Trade Marks in China. See Part III.]

ARTICLE VIII.*

PREAMBLE.

Abolition of Li-kin *and other Dues.*

The Chinese Government, recognizing that the system of levying *li-kin* and other dues on goods at the place of production, in transit, and at destination, impedes the free circulation of commodities and injures the interests of trade, hereby undertake to discard completely those means of raising revenue with the limitation mentioned in section 8.

Surtax.

The British Government, in return, consent to allow a surtax in excess of the Tariff rates for the time being in force to be imposed on foreign goods imported by British subjects and a surtax in addition to the export duty on Chinese produce destined for export abroad or coastwise.

Non-Revival of Li-kin *Barriers, &c.; Limit of Surtax, &c.*

It is clearly understood that, after *li-kin* barriers and other stations for taxing goods in transit have been removed, no attempt shall be made to revive them in any form or under any pretext whatsoever; that in no case shall the surtax on foreign imports exceed the equivalent of one and a-half times the import duty leviable in terms of the Final Protocol signed by China and the Powers on the 7th day of September, 1901 (**No. 26**); that payment of the import duty and surtax shall secure for foreign imports,

* See Annex B. Article VIII does not come into force until other Powers have signified their acceptance of the engagements set forth therein with regard to the payment of surtaxes, &c. (see Sections 14 and 15).

whether in the hands of Chinese or non-Chinese subjects, in original packages or otherwise, complete immunity from all other taxation, examination or delay; that the total amount of taxation leviable on native produce for export abroad shall, under no circumstances, exceed 7½ per cent. *ad valorem*.

Keeping these fundamental principles steadily in view, the High Contracting Parties have agreed upon the following methods of procedure.

Abolition of Li-kin *Barriers, &c., with certain Exceptions.*

Section 1.—The Chinese Government undertake that all barriers of whatsoever kind, collecting *li-kin* or such like dues or duties, shall be permanently abolished on all roads, railways, and waterways in the Eighteen Provinces of China and the Three Eastern Provinces. This provision does not apply to the Native Custom-Houses at present in existence on the seaboard or waterways, at open ports, on land routes, and on land frontiers of China.

Special Surtax on Foreign Imported Goods, with Reservations.

Sec. 2.—The British Government agree that foreign goods on importation, in addition to the effective 5 per cent. import duty as provided for in the Protocol of 1901, shall pay a special surtax equivalent to one and a-half times the said duty to compensate for the abolition of *li-kin*, of transit dues in lieu of *li-kin*, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this Article; but this provision shall not impair the right of China to tax salt, native opium, and native produce as provided for in sections 3, 5, 6, and 8.

The same amount of surtax shall be levied on goods imported into the Eighteen Provinces of China and the Three Eastern Provinces across the land frontiers as on goods entering China by sea.

Native Custom-Houses.

Sec 3.—All Native Custom-Houses now existing, whether at the Open Ports, on the seaboard, on rivers, inland waterways, land routes or land frontiers, as enumerated in the Hu Pu and Kung Pu *Tse Li* (Regulations of the Boards of Revenue and Works) and *Ta Ch'ing Hui Tien* (Dynastic Institutes), may remain; a list of the same, with their location, shall be furnished to the British Government for purposes of record.

Wherever there are Imperial Maritime Custom-Houses, or wherever such may be hereafter placed, Native Custom-Houses may be also established; as well as at any points either on the seaboard or land frontiers.

The location of Native Custom-Houses in the Interior may be changed as the circumstances of trade seem to require, but any change must be communicated to the British Government, so that the list may be corrected; the originally stated number of them shall not, however, be exceeded.

Goods carried by Junks or Sailing Vessels Trading to or from Open Ports.

Goods carried by junks or sailing-vessels trading to or from Open Ports shall not pay lower duties than the combined duties and surtax on similar cargo carried by steamers.

Duty on Native Produce.

Native produce, when transported from one place to another in the Interior, shall, on arrival at the first Native Custom-House after leaving the place of production, pay duty equivalent to the export surtax mentioned in Section 7.

When this duty has been paid, a certificate shall be given which shall describe the nature of the goods, weight, number of packages, &c., amount of duty paid, and intended destination. This certificate, which shall be valid for a fixed period of not less than one year from the date of payment of duty, shall free the goods from all taxation, examination, delay, or stoppage at any other Native Custom-Houses passed *en route*.

If the goods are taken to a place not in the foreign settlements or concessions of an Open Port, for local use, they become there liable to the Consumption Tax described in Section 8.

If the goods are shipped from an Open Port, the certificate is to be accepted by the Custom-House concerned, in lieu of the export surtax mentioned in Section 7.

Limit of Taxation on Junks, Boats, or Carts.

Junks, boats, or carts shall not be subjected to any taxation beyond a small and reasonable charge, paid periodically at a fixed annual rate. This does not exclude the right to levy, as at present, tonnage (Chuan Chao) and port dues (Chuan Liao) on junks.

Foreign Opium Duty and Surtax in lieu of Li-kin.

Sec. 4.—Foreign opium duty and present *li-kin*—which latter will now become a surtax in lieu of *li-kin*—shall remain as provided for by existing Treaties.

Duty on Native Opium.

Sec. 5.—The British Government have no intention whatever of interfering with China's right to tax native opium, but it is essential to declare that, in her arrangements for levying such taxation, China will not subject other goods to taxation, delay, or stoppage.

China is free to retain at important points on the borders of each province—either on land or water—offices for collecting duty on native opium, where duties or contributions leviable shall be paid in one lump sum; which payment shall cover taxation of all kinds within that province. Each cake of opium will have a stamp affixed as evidence of duty payment. Excise officers and

police may be employed in connection with these offices; but no barriers or other obstructions are to be erected, and the Excise officers or police of these offices shall not stop or molest any other kinds of goods, or collect taxes thereon.

A list of these offices shall be drawn up and communicated to the British Government for record.

Duty on Salt.

Sec. 6.—*Li-kin* on salt is hereby abolished and the amount of said *li-kin* and of other taxes and contributions shall be added to the salt duty, which shall be collected at place of production or at first station after entering the province where it is to be consumed.

The Chinese Government shall be at liberty to establish salt reporting offices at which boats conveying salt which is being moved under salt passes or certificates may be required to stop for purposes of examination and to have their certificates *viséd*, but at such offices no *li-kin* or transit taxation shall be levied and no barriers or obstructions of any kind shall be erected.

Export Duties.

Sec. 7.—The Chinese Government may re-cast the Export Tariff* with specific duties as far as practicable, on a scale not exceeding 5 per cent. *ad valorem*; but existing export duties shall not be raised until at least six months' notice has been given.

In cases where existing export duties are above 5 per cent. they shall be reduced to not more than that rate.

An additional special surtax of one-half the export duty payable for the time being, in lieu of internal taxation and *li-kin*, may be levied at time of export on goods exported either to foreign countries or coastwise.

Duty on Silk.

In the case of silk, whether hand or filature reeled, the total export duty shall not exceed a specific rate equivalent to not more than 5 per cent. *ad valorem*. Half of this specific duty may be levied at the first Native Custom-House in the interior which the silk may pass and in such case a certificate shall be given as provided for in Section 3, and will be accepted by the Custom-House concerned at place of export in lieu of half the export duty. Cocoons passing Native Custom-Houses shall be liable to no taxation whatever. Silk not exported but consumed in China is liable to the Consumption Tax mentioned and under conditions mentioned in Section 8.

Consumption Tax on Articles of Chinese Origin not intended for Export.

Sec. 8.—The abolition of the *li-kin* system in China and the abandonment of all other kinds of internal taxation on foreign

* See page 45.

imports and on exports will diminish the revenue materially. The surtax on foreign imports and exports and on coastwise exports is intended to compensate in a measure for this loss of revenue, but there remains the loss of *li-kin* revenue on internal trade to be met, and it is therefore agreed that the Chinese Government are at liberty to impose a Consumption Tax on articles of Chinese origin not intended for export.

This tax shall be levied only at places of consumption and not on goods while in transit, and the Chinese Government solemnly undertake that the arrangements which they may make for its collection shall in no way interfere with foreign goods or with native goods for export. The fact of goods being of foreign origin shall of itself free them from all taxation, delay, or stoppage, after having passed the Custom-House.

Foreign goods which bear a similarity to native goods shall be furnished by the Custom-House, if required by the owner, with a protective certificate for each package, on payment of import duty and surtax, to prevent the risk of any dispute in the interior.

Native goods brought by junks to Open Ports, if intended for local consumption—irrespective of the nationality of the owner of the goods—shall be reported at the Native Custom-House only, where the Consumption Tax may be levied.

China is at liberty to fix the amount of this (Consumption) tax, which may vary according to the nature of the merchandise concerned, that is to say, according as the articles are necessaries of life or luxuries; but it shall be levied at a uniform rate on goods of the same description, no matter whether carried by junk, sailing-vessel, or steamer. As mentioned in Section 3, the Consumption Tax is not to be levied within foreign settlements or concessions.

Excise Duty on Machine-made Yarn and Cloth. Rebate on Raw Cotton.

Sec. 9.—An excise equivalent to double the import duty as laid down in the Protocol of 1901 is to be charged on all machine-made yarn and cloth manufactured in China, whether by foreigners at the Open Ports or by Chinese anywhere in China.

A rebate of the import duty and two-thirds of the Import Surtax is to be given on raw cotton imported from foreign countries, and of all duties, including Consumption Tax, paid on Chinese raw cotton used in mills in China.

Chinese machine-made yarn or cloth having paid excise is to be free of Export Duty, Export Surtax, Coast-Trade Duty, and Consumption Tax. This Excise is to be collected through the Imperial Maritime Customs.

Other Machine-made Products of Foreign Type.

The same principle and procedure are to be applied to all other products of foreign type turned out by machinery,

whether by foreigners at the Open Ports or by Chinese anywhere in China.

Non-application to Government Iron Works, Arsenals, Dockyards, &c.

This stipulation is not to apply to the out-turn of the Hanyang and Ta Yeh Iron Works in Hupeh and other similar existing Government works at present exempt from taxation; or to that of Arsenals, Government Dockyards, or establishments of that nature for Government purposes which may hereafter be erected.

Supervision of Native Customs Affairs, Consumption Tax, Salt and Native Opium Taxes, by Members of the Maritime Customs Foreign Staff.

Sec. 10.—A member or members of the Imperial Maritime Customs Foreign Staff shall be selected by each of the Governors-General and Governors, and appointed, in consultation with the Inspector-General of Imperial Maritime Customs to each province for duty in connection with Native Customs Affairs, Consumption Tax, Salt and Native Opium Taxes. These officers shall exercise an efficient supervision of the working of these departments, and in the event of their reporting any case of abuse, illegal exaction, obstruction to the movements of goods, or other cause of complaint, the Governor-General or Governor concerned will take immediate steps to put an end to same.

Investigation in Cases of Illegal Action.

Sec. 11.—Cases where illegal action as described in this Article is complained of shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with a British officer and an officer of the Imperial Maritime Customs, each of sufficient standing; and in the event of its being found by a majority of the investigating officers that the complaint is well founded and loss has been incurred, due compensation is to be at once paid from the Surtax funds, through the Imperial Maritime Customs at the nearest open port. The High Provincial Officials are to be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post.

If the complaint turns out to be without foundation complainant shall be held responsible for the expenses of the investigation.

His Britannic Majesty's Minister will have the right to demand investigation where from the evidence before him he is satisfied that illegal exactions or obstructions have occurred.

Ch'angsha, Wanhsien, Nganking, Waichow, and Kongmoon to be Opened to Trade.

Sec. 12.—The Chinese Government agree to open to foreign trade, on the same footing as the places opened to foreign trade

by the Treaties of Nanking and Tientsin, the following places namely:—

Ch'angsha* in Hunan;
Wanhsien in Szechuen;
Nganking† in Anhui;
Waichow (Hui-chow) in Kuangtung; and
Kongmoon‡ (Chiang-mên) in Kuangtung.

Foreigners residing in these Open Ports are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish Municipalities and Police of their own within the limits of these Treaty Ports except with the consent of the Chinese authorities.

If this Article does not come into operation the right to demand under it the opening of these ports, with the exception of Kongmoon, which is provided for in Article X, shall lapse.

Conditions and Date on which this Arrangement is to come into force.

Sec. 13.—Subject to the provisions of Section 14, the arrangements provided for in this Article are to come into force on the 1st January, 1904.

By that date all *li-kin* barriers should be removed and officials employed in the collection of taxes and dues prohibited by this Article shall be removed from their posts.

Sec. 14.—The condition on which the Chinese Government enter into the present engagement is that all Powers entitled to most-favoured-nation treatment in China enter into the same engagements as Great Britain with regard to the payment of surtaxes and other obligations imposed by this Article on His Britannic Majesty's Government and subjects.

The conditions on which His Britannic Majesty's Government enter into the present engagement are:—

(1.) That all Powers who are now or who may hereafter become entitled to most-favoured-nation treatment in China enter into the same engagements;

(2.) And that their assent is neither directly or indirectly made dependent on the granting by China of any political concession, or of any exclusive commercial concession.

Sec. 15.—Should the Powers entitled to most-favoured-nation treatment by China have failed to agree to enter into the engagements undertaken by Great Britain under this Article by the 1st January, 1904, then the provisions of the Article shall only come into force when all the Powers have signified their acceptance of these engagements.

Imperial Edict announcing Abolition of Li-kin.

Sec. 16.—When the abolition of *li-kin* and other forms of internal taxation on goods as provided for in this Article has been

* Opened to trade by Japanese Treaty of 8th October, 1903 (No. 66), Article X.
† Anking.
‡ See Article X.

decided upon and sanctioned, an Imperial Edict shall be published in due form on yellow paper and circulated, setting forth the abolition of all *li-kin* taxation, *li-kin* barriers and all descriptions of internal taxation on goods, except as provided for in this Article.

The Edict shall state that the Provincial High Officials are responsible that any official disregarding the letter or spirit of its injunction shall be severely punished and removed from his post.

ARTICLE IX.

Revision of Mining Regulations.

The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agree within one year from the signing of this Treaty to initiate and conclude the revision of the existing Mining Regulations. China will, with all expedition and earnestness, go into the whole question of Mining Rules and, selecting from the Rules of Great Britain, India, and other countries, regulations which seem applicable to the condition of China, she will recast her present Mining Rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, shall offer no impediment to the attraction of foreign capital or place foreign capitalists at a greater disadvantage that they would be under generally accepted foreign Regulations.

Any mining concession granted after the publication of these new Rules shall be subject to their provisions.

ARTICLE X.

*New Rules for Navigation of Inland Waters of China.**

Whereas in the year 1898 the Inland Waters of China were opened to all such steam-vessels, native or foreign, as might be especially registered for that trade at the Treaty Ports, and whereas the Regulations dated the 28th July, 1898 (**No. 138**), and Supplementary Rules dated September, 1898 (**No. 140**), have been found in some respects inconvenient in working, it is now mutually agreed to amend them and to annex such new Rules* to this Treaty. These Rules shall remain in force until altered by mutual consent.

Opening of Kongmoon. Ports of Call and Passenger Landing Stages.

It is further agreed that Kongmoon shall be opened as a Treaty Port, and that, in addition to the places named in the special Article of the Burmah Convention of the 4th February, 1897,†

* See Annex C. Page 187.
† See page 118.

British steamers shall be allowed to land or ship cargo and passengers, under the same regulations as apply to the "Ports of Call" on the Yang-tsze River, at the following "Ports of Call": Pak Tau Hau (Pai-t'u k'ou), Lo Ting Hau (Lo-ting k'ou), and Do Sing (Tou-ch'êng); and to land or discharge passengers at the following ten passenger landing stages on the West River:—Yung Ki (Jung-chi), Mah Ning (Ma-ning), Kau Kong (Chiu-chiang), Kulow (Ku-lao), Wing On (Yung-an), How Lik (Hou-li), Luk Pu (Lu-pu), Yuet Sing (Yüeh-ch'eng), Luk To (Lu-tu), and Fung Chuen (Fêng-ch'uan).

ARTICLE XI.

Morphia.

His Britannic Majesty's Government agree to the prohibition of the general importation of morphia into China, on condition, however, that the Chinese Government will allow of its importation, on payment of the Tariff import duty and under special permit, by duly qualified British medical practitioners and for the use of hospitals, or by British chemists and druggists who shall only be permitted to sell it in small quantities and on receipt of a requisition signed by a duly qualified foreign medical practitioner.

The special permits above referred to will be granted to an intending importer on his signing a bond before a British Consul guaranteeing the fulfilment of these conditions. Should an importer be found guilty before a British Consul of a breach of his bond, he will not be entitled to take out another permit. Any British subject importing morphia without a permit shall be liable to have such morphia confiscated.

This Article will come into operation on all other Treaty Powers agreeing to its conditions, but any morphia actually shipped before that date will not be affected by this prohibition.

The Chinese Government, on their side, undertake to adopt measures at once, to prevent the manufacture of morphia in China.

ARTICLE XII.

Reform of Judicial System and Surrender of Extra-territorial Rights.

China having expressed a strong desire to reform her judicial system and to bring it into accord with that of Western nations, Great Britain agrees to give every assistance to such reform, and she will also be prepared to relinquish her extra-territorial rights when she is satisfied that the state of the Chinese laws, the arrangement for their administration, and other considerations warrant her in so doing.

ARTICLE XIII.

Commission to Investigate the Missionary Question.

The missionary question in China being, in the opinion of the Chinese Government, one requiring careful consideration, so that, if possible, troubles such as have occurred in the past may be averted in the future, Great Britain agrees to join in a Commission to investigate this question, and, if possible, to devise means for securing permanent peace between converts and non-converts, should such a Commission be formed by China and the Treaty Powers interested.

ARTICLE XIV.

Prohibition of Port to Port Trade in Rice and Grain in Cases of Famine.

Whereas under Rule V* appended to the Treaty of Tientsin of 1858, British merchants are permitted to export rice and all other grain from one port of China to another under the same conditions in respect of security as copper "cash," it is now agreed that in cases of expected scarcity or famine from whatsoever cause in any district, the Chinese Government shall, on giving twenty-one days' notice, be at liberty to prohibit the shipment of rice and other grain from such district.

Should any vessel specially chartered to load rice or grain previously contracted for, have arrived at her loading port prior to or on the day when a notice of prohibition to export comes into force she shall be allowed an extra week in which to ship her cargo.

If, during the existence of this prohibition, any shipment of rice or grain is allowed by the authorities, the prohibition shall, *ipso facto*, be considered cancelled and shall not be reimposed until six weeks' notice has been given.

When a prohibition is notified, it will be stated whether the Government have any Tribute or Army Rice which they intend to ship during the time of prohibition, and if so, the quantity shall be named.

Such rice shall not be included in the prohibition, and the Customs shall keep a record of any Tribute or Army Rice so shipped or landed.

The Chinese Government undertake that no rice, other than Tribute or Army Rice belonging to the Government, shall be shipped during the period of prohibition.

Notifications of prohibitions, and of the quantities of Army or Tribute Rice for shipment shall be made by the Governors of the provinces concerned.

Similarly, notifications of the removals of prohibitions shall be made by the same authorities.

* See page 37.

Export of Rice and Grain Prohibited.

The export of rice and other grain to foreign countries remains prohibited.

ARTICLE XV.

Revision of Tariff after Ten Years.

It is agreed that either of the High Contracting Parties to this Treaty may demand a revision of the Tariff at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the Tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years; and so it shall be at the end of each successive ten years.

Most-favoured-nation Treatment in Respect to Tariff Concessions.

Any Tariff concession which China may hereafter accord to articles of the produce or manufacture of any other State shall immediately be extended to similar articles of the produce or manufacture of His Britannic Majesty's Dominions by whomsoever imported.

Continuance of Existing Treaties.

Treaties already existing between the United Kingdom and China shall continue in force in so far as they are not abrogated or modified by stipulations of the present Treaty.

ARTICLE XVI.

English Text to be Authoritative.

The English and Chinese texts of the present Treaty have been carefully compared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense.

Ratifications.

The ratifications of this Treaty, under the hand of his Majesty the King of Great Britain and Ireland, and of His Majesty the Emperor of China respectively, shall be exchanged at Peking within a year from this day of signature.

In token whereof the respective Plenipotentiaries have signed and sealed this Treaty, two copies in English and two in Chinese.

Done at Shanghai this 5th day of September in the year of our Lord 1902; corresponding with the Chinese date, the 4th day of the 8th moon of the 28th year of Kwang Hsü.

(L.S.) JAS. L. MACKAY.

[Signature of his Excellency Lü Hai-huan.]
[Signature of his Excellency Shêng Hsüan-huai.]
[Seal of the Chinese Plenipotentiaries.]

Annex A (1).

(Translation.)

Lü, President of the Board of Works;

Shêng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners, for dealing with questions connected with the Commercial Treaties, to

Sir James Mackay, His Britannic Majesty's Special Commissioner for the discussion of Treaty matters.

Shanghai: K.H., xxviii, *7th moon*, 11*th day* (*received August* 15, 1902).

We have the honour to inform you that we have received the following telegram from his Excellency Liu, Governor-General of the Liang Chiang, on the subject of Clause 2, mutually agreed upon by us:

"As regards this clause, it is necessary to insert therein a clear stipulation, to the effect that, no matter what changes may take place in the future, all customs duties must continue to be calculated on the basis of the existing higher rate of the Haikwan Tael over the Treasury Tael, and that the 'touch' and weight of the former must be made good."

As we have already arranged with you that a declaration of this kind should be embodied in an official Note, and form an Annex to the present Treaty, for purposes of record, we hereby do ourselves the honour to make this communication.

[Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.]

Annex A (2).

Gentlemen, *Shanghai, August* 18, 1902.

I have the honour to acknowledge the receipt of your despatch of the 14th instant forwarding copy of a telegram from his Excellency Liu, Governor-General of the Liang Chiang, on the subject of Article II of the new Treaty, and in reply I have the honour to state that his Excellency's understanding of the Article is perfectly correct.

I presume the Chinese Government will make arrangements for the coinage of a national silver coin of such weight and touch as may be decided upon by them. These coins will be made available to the public in return for a quantity of silver bullion of equivalent weight and fineness plus the usual mintage charge.

The coins which will become the national coinage of China will be declared by the Chinese Government to be legal tender in payment of Customs duty and in discharge of obligations contracted in Haikwan taels, but only at their proportionate value to the Haikwan tael, whatever that may be.

I have, &c.,
JAS. L. MACKAY.

Their Excellencies
Lü Hai-huan and Shêng Hsüan-huai,
&c. &c. &c.

Annex B (1).

(Translation)

Lü, President of the Board of Works;

Shêng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties, to

Sir James L. Mackay, His Britannic Majesty's Special Commissioner.

Shanghai, September 2, 1902.

We have the honour to inform you that on the 22nd August, we, in conjunction with the Governors-General of the Liang Chiang and the Hu-kuang Provinces, their Excellencies Liu and Chang, addressed the following telegraphic Memorial to the Throne:—

"Of the revenue of the different Provinces derived from *li-kin* of all kinds, a portion is appropriated for the service of the foreign loans, a portion for the Peking Government, and the balance is reserved for the local expenditure of the Provinces concerned.

"In the negotiations now being conducted with Great Britain for the amendment of the Commercial Treaties, a mutual arrangement has been come to providing for the imposition of additional taxes, in compensation for the abolition of all kinds of *li-kin* and other imposts on goods, prohibited by Article VIII. After payment of interest and sinking fund on the existing foreign loan, to the extent to which *li-kin* is thereto pledged, these additional taxes shall be allocated to the various Provinces to make up deficiencies and replace revenue, in order that no hardships may be entailed on them. With a view to preserving the original intention underlying the proposal to increase the duties in compensation for the loss of revenue derived from *li-kin* and other imposts on goods, it is further stipulated that the surtaxes shall not be appropriated for other purposes, shall not form part of the Imperial Maritime Customs revenue proper, and shall in no case be pledged as security for any new foreign loan.

"It is therefore necessary to memorialize for the issue of an Edict, giving effect to the above stipulations and directing the Board of Revenue to find out what proportion of the provincial revenues derived from *li-kin* of all kinds, now about to be abolished, each Province has hitherto had to remit, and what proportion it has been entitled to retain, so that, when the Article comes into operation, due apportionment may be made accordingly, thus providing the Provinces with funds available for local expenditure, and displaying equitable and just treatment towards all."

On the 1st instant an Imperial Decree "Let action, as requested, be taken," was issued, and we now do ourselves the honour reverently to transcribe the same for your information.

[Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.]

Annex B (2).

Gentlemen, *Shanghai, September 5th*, 1902.

I have the honour to acknowledge the receipt of your despatch of the 2nd instant forwarding the text of the Memorial and Decree dealing with the disposal of the surtaxes.

I understand that the surtaxes in addition to not being pledged for any new foreign loan are not to be pledged to, or held to be security for, liabilities already contracted by China except in so far as *li-kin* revenue has already been pledged to an existing loan.

I also understand from the Memorial that the whole of the surtaxes provided by Article VIII of the New Treaty goes to the Provinces in proportions to be agreed upon between them and the Board of Revenue, but that out of these surtaxes each Province is obliged to remit to Peking the same contribution as that which it has hitherto remitted out of its *li-kin* collections, and that the Provinces also provide as hitherto out of these surtax funds whatever may be necessary for the service of the foreign loan to which *li-kin* is partly pledged.

I hope your Excellencies will send me a reply to this despatch and that you will agree to this correspondence forming part of the Treaty as an Annex.

I have, &c.,
JAS. L. MACKAY.

Their Excellencies
Lü Hai-huan and Shêng Hsüan-huai,
&c. &c. &c.

Annex B (3).

(Translation.)

Lü, President of the Board of Works;

Shêng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties, to

Sir James L. Mackay, His Britannic Majesty's Special Commissioner.

Shanghai, September 5th, 1902.

We have the honour to acknowledge the receipt of your communication of to-day's date with regard to the allocation of the surtax funds allotted to the Provinces, and to inform you that the views therein expressed are the same as our own.

We would, however, wish to point out that, were the whole amount of the allocation due paid over to the Provinces, unnecessary expense would be incurred in the re-transmission by them of such portions thereof as would have to be remitted to Peking in place of the contributions hitherto payable out of *li-kin* revenue. The amount, therefore, of the allocation due to the Provinces, arranged between them and the Board of Revenue, will be retained in the hands of the Maritime Customs, who will await the instructions of the Provinces in regard to the remittance of such portion thereof as may be necessary to fulfil their obligations, and (on receipt of these instructions) will send forward the amount direct. The balance will be held to the order of the Provinces.

In so far as *li-kin* is pledged to the service of the 1898 Loan, a similar method of procedure will be adopted.

As you request that this correspondence be annexed to the Treaty, we have the honour to state that we see no objection to this being done.

[Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.]

Annex C.

INLAND WATERS STEAM NAVIGATION.

Additional Rules.

1.—British steamship owners are at liberty to lease warehouses and jetties on the banks of waterways from Chinese subjects for a term not exceeding twenty-five years, with option of renewal on terms to be mutually arranged. In cases where British merchants are unable to secure warehouses and jetties from Chinese subjects on satisfactory terms, the local officials, after consultation with the Minister of Commerce, shall arrange to provide these on renewable lease as above mentioned at current equitable rates.

2.—Jetties shall only be erected in such positions that they will not obstruct the inland waterway or interfere with navigation, and with the sanction of the nearest Commissioner of Customs; such sanction, however, shall not be arbitrarily withheld.

3.—British merchants shall pay taxes and contributions on these warehouses and jetties on the same footing as Chinese proprietors of similar properties in the neighbourhood. British merchants may only employ Chinese agents and staff to reside in warehouses so leased at places touched at by steamers engaged in inland traffic to carry on their business; but British merchants may visit these places from time to time to look after their affairs. The existing rights of Chinese jurisdiction over Chinese subjects shall not by reason of this clause be diminished or interfered with in any way.

4.—Steam vessels navigating the inland waterways of China shall be responsible for loss caused to riparian proprietors by damage which they may do to the banks or works on them and for the loss which may be caused by such damage. In the event of China desiring to prohibit the use of some particular shallow waterway by launches, because there is reason to fear that the use of it by them would be likely to injure the banks and cause damage to the adjoining country, the British authorities, when appealed to, shall, if satisfied of the validity of the objection,

prohibit the use of that waterway by British launches, provided that Chinese launches are also prohibited from using it.

Both Foreign and Chinese launches are prohibited from crossing dams and weirs at present in existence on inland waterways where they are likely to cause injury to such works, which would be detrimental to the water service of the local people.

5.—The main object of the British Government in desiring to see the inland waterways of China opened to steam navigation being to afford facilities for the rapid transport of both foreign and native merchandise, they undertake to offer no impediment to the transfer to a Chinese Company and the Chinese flag of any British Steamer which may now or hereafter be employed on the inland waters of China, should the owner be willing to make the transfer.

In event of a Chinese company registered under Chinese law being formed to run steamers on the inland waters of China the fact of British subjects holding shares in such a company shall not entitle the steamers to fly the British flag.

6.—Registered steamers and their tows are forbidden, just as junks have always been forbidden, to carry contraband goods. Infraction of this rule will entail the penalties prescribed in the Treaties for such an offence, and cancellation of the Inland Waters Navigation Certificate carried by the vessels, which will be prohibited from thereafter plying on inland waters.

7.—As it is desirable that the people living inland should be disturbed as little as possible by the advent of steam vessels to which they are not accustomed, inland waters not hitherto frequented by steamers shall be opened as gradually as may be convenient to merchants and only as the owners of steamers may see prospect of remunerative trade.

In cases where it is intended to run steam vessels on waterways on which such vessels have not hitherto run, intimation shall be made to the Commissioner of Customs at the nearest open port who shall report the matter to the Ministers of Commerce. The latter, in conjunction with the Governor-General or Governor of the Province, after careful consideration of all the circumstances of the case, shall at once give their approval.

8.—A registered steamer may ply within the waters of a port, or from one open port or ports to another open port or ports, or from one open port or ports to places inland, and thence back to such port or ports. She may, on making due report to the Customs, land or ship passengers or cargo at any recognized places of trade passed in the course of the voyage; but may not ply between inland places exclusively except with the consent of the Chinese Government.

9.—Any cargo and passenger boats may be towed by steamers. The helmsman and crew of any boat towed shall be Chinese. All boats, irrespective of ownership, must be registered before they can proceed inland.

10.—These Rules are supplementary to the Inland Steam Navigation Regulations of July and September, 1898 (**Nos. 138** and **140**). The latter, where untouched by the present Rules, remain in full force and effect; but the present Rules hold in the case of such of the former Regulations as the present Rules affect. The present Rules, and the Regulations of July and September, 1898, to which they are supplementary, are provisional, and may be modified, as circumstances require, by mutual consent.

Done at Shanghai this 5th day of September in the year of our Lord 1902; corresponding with the Chinese date, the 4th day of the 8th moon of the 28th year of Kwang Hsü.

(L.S.) JAS. L. MACKAY.

[Signature of his Excellency Lü Hai-huan.]

[Signature of his Excellency Shêng Hsüan-huai.]

[Seal of the Chinese Plenipotentiaries.]

(No. 29.) *CONVENTION between Great Britain and China respecting the Employment of Chinese Labour in British Colonies and Protectorates.** *Signed at London, 13th May,* 1904.

[Signed also in Chinese.]

WHEREAS a Convention between Her Majesty Queen Victoria and His Majesty the Emperor of China was signed at Peking on the 24th October, 1860 (**No. 8**), by Article V of which His Imperial Majesty the Emperor of China consented to allow Chinese subjects, wishing to take service in British Colonies or other parts beyond the seas, to enter into engagements with British subjects, and to ship themselves and their families on board of British vessels at the open ports of China in conformity with Regulations to be drawn up between the two Governments for the protection of such emigrants;

And whereas the aforesaid Regulations have not hitherto been framed, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China have accordingly appointed the following as their respective Plenipotentiaries, that is to say:—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, the Most Honourable Henry Charles Keith Petty-Fitzmaurice, Marquess of Lansdowne, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the Emperor of China, Chang Têh-Yih, Brevet Lieutenant-General of the Chinese Imperial Forces, His Imperial Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India;

And the said Plenipotentiaries having met and communicated to each other their respective full powers, and found them in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Notification to be made on each Occasion.

As the Regulations to be framed under the above-mentioned Treaty were intended to be of a general character, it is hereby agreed that on each occasion when indentured emigrants are required for a particular British Colony or Protectorate beyond the seas, His Britannic Majesty's Minister in Peking shall notify the Chinese Government, stating the name of the particular Colony or Protectorate for which the emigrants are required, the name of the Treaty Port at which it is intended to embark them,

* Parliamentary Paper, Treaty Series, No. 7 (1904).

and the terms and conditions on which they are to be engaged; the Chinese Government shall thereupon, without requiring further formalities, immediately instruct the local authorities at the specified Treaty Port to take all the steps necessary to facilitate emigration. The notification herein referred to shall only be required once in the case of each Colony or Protectorate, except when emigration under indenture to that Colony or Protectorate from the specified Treaty Port has not taken place during the preceding three years.

ARTICLE II.

Appointment of Chinese Inspector. Publication of Indenture, &c.

On receipt of the instructions above referred to, the Taotai at the port shall at once appoint an officer, to be called the Chinese Inspector, who, together with the British Consular Officer at the port, or his Delegate, shall make known by Proclamation and by means of the native press the text of the Indenture which the emigrant will have to sign, and any particulars of which the Chinese officer considers it essential that the emigrant shall be informed, respecting the country to which the emigrant is to proceed, and respecting its laws.

ARTICLE III.

Emigration Agency.

The British Consular Officer at the port, or his Delegate, shall confer with the Chinese Inspector as to the location and installation of the offices and other necessary buildings, hereinafter called the Emigration Agency, which shall be erected or fitted up by the British Government, and at their expense, for the purpose of carrying on the business of the engagement and shipment of the emigrants, and in which the Chinese Inspector and his staff shall have suitable accommodation for carrying on their duties.

ARTICLE IV.

Register of intended Emigrants. Medical Inspection. Signature of Indenture, &c.

1. There shall be posted up in conspicuous places throughout the Emigration Agency, and more especially in that part of it called the Depôt, destined for the reception of intending emigrants, copies of the Indenture to be entered into with the emigrant, drawn up in the Chinese and English languages, together with copies of the special Ordinance, if any, relating to immigration into the particular Colony or Protectorate for which the emigrants are required.

2. There shall be kept a Register in English and in Chinese, in which the names of intending indentured emigrants shall be inscribed, and in this Register there shall not be inscribed the

name of any person who is under 20 years of age, unless he shall have produced proof of his having obtained the consent of his parents or other lawful guardians to emigrate, or, in default of these, of the Magistrate of the district to which he belongs. After signature of the Indenture according to the Chinese manner, the emigrant shall not be permitted to leave the Depôt, previously to his embarkation, without a pass signed by the Chinese Inspector, and countersigned by the British Consular Officer or his Delegate, unless he shall have, through the Chinese Inspector, renounced his agreement and withdrawn his name from the register of emigrants.

3. Before the sailing of the ship each emigrant shall be carefully examined by a qualified Medical Officer nominated by the British Consular Officer or his Delegate. The emigrants shall be paraded before the British Consular Officer or his Delegate and the Chinese Inspector or his Delegate, and questioned with a view to ascertain their perfect understanding of the Indenture.

ARTICLE V.

Vessels Conveying Emigrants.

All ships employed in the conveyance of indentured emigrants from China under this Convention shall engage and embark them only at a Treaty Port, and shall comply with the Regulations contained in the Schedule hereto annexed and forming part of the Convention.

ARTICLE VI.*

Appointment of Chinese Consuls.

For the better protection of the emigrant, and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations.

ARTICLE VII.

Indenture to specify Conditions of Engagement.

Every Indenture entered into under the present Articles shall clearly specify the name of the country for which the labourer is required, the duration of the engagement, and, if renewable, on what terms, the number of hours of labour per working day, the nature of the work, the rate of wages and mode of payment, the rations, clothing, the grant of a free passage out, and where such is provided for therein, a free passage back to the port of embarkation in China for himself and family, right to free medical

* See Annex.

attendance and medicines, whether in the Colony or Protectorate or on the voyage from and to the port of embarkation in China, and any other advantages to which the emigrant shall be entitled. The Indenture may also provide that the emigrant shall, if considered necessary by the medical authorities, be vaccinated on his arrival at the Depôt, and, in the event of such vaccination being unsuccessful, revaccinated on board ship.

ARTICLE VIII.

Signature and Explanation of Indenture.

The Indenture shall be signed, or in cases of illiteracy marked, by the emigrant after the Chinese manner, in the presence of the Chinese Inspector or his Delegate and of the British Consular Officer or his Delegate, who shall be responsible to their respective Governments for its provisions having been clearly and fully explained to the emigrant previous to signature. To each emigrant there shall be presented a copy of the Indenture drawn up in Chinese and English. Such Indenture shall not be considered as definitive or irrevocable until after the embarkation of the emigrant.

ARTICLE IX.

Free Access for Emigrant to Courts of Justice.

In every British Colony or Protectorate to which indentured Chinese emigrants proceed, an officer or officers shall be appointed, whose duty it shall be to insure that the emigrant shall have free access to the Courts of Justice to obtain the redress for injuries to his person and property which is secured to all persons, irrespective of race, by the local law.

ARTICLE X.

Postal Facilities for Emigrant.

During the sojourn of the emigrant in the Colony or Protectorate in which he is employed, all possible postal facilities shall be afforded to him for communicating with his native country, and for making remittances to his family.

ARTICLE XI.

Repatriation.

With regard to the repatriation of the emigrant and his family, whether on the expiration of the Indenture or from any legal cause, or in the event of his having been invalided from sickness or disablement, it is understood that this shall always be to the port of shipment in China, and that in no case shall it take place by any other means than actual conveyance by ship, and payment of money to the returning emigrant in lieu of passage shall not be admissible.

ARTICLE XII.

Transfer of Emigrant from one Employer to Another.

Nothing in any Indenture framed under these Articles shall constitute on the part of the employer a right to transfer the emigrant to another employer of labour without the emigrant's free consent and the approval of his Consul or Vice-Consul; and should any such transfer or assignment take place, it shall not in any way invalidate any of the rights or privileges of the emigrant under the Indenture.

ARTICLE XIII.

Fee Payable to Chinese Government.

It is agreed that a fee on each indentured emigrant shipped under the terms of this Convention shall be paid to the Chinese Government for expenses of inspection, but no payment of any kind shall be made to the Chinese Inspector or any other official of the Chinese Government at the port of embarkation. The above fee shall be paid into the Customs bank previous to the clearance of the ship, and shall be calculated at the following rate:—3 Mexican dollars per head for any number of emigrants not exceeding 10,000, and two dollars per head for any number in excess thereof, provided they are shipped at the same Treaty Port, and that not more than twelve months have elapsed since the date of the last shipment.

Should the port of embarkation have been changed, or a space of more than twelve months have elapsed since the date of the last shipment, inspection charges shall be paid as in the first instance.

ARTICLE XIV.

English Text to be Authoritative.

The English and Chinese text of the present Convention have been carefully prepared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense.

ARTICLE XV.

Duration of Convention.

The present Convention shall come into force on the date of its signature and remain in force for four years from that date, and after such period of four years it shall be terminable by either of the High Contracting Parties on giving one year's notice.

In witness whereof the Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done at London in four copies, two in English and two in Chinese, this 13th day of May of the year 1904.

(L.S.) LANSDOWNE.
(L.S.) T. Y. CHANG.

SCHEDULE.

Regulations.

SHIPS employed in the transport of indentured emigrants from China under this Convention must be seaworthy, clean, and properly ventilated, and, with regard to the following matters, shall comply with conditions as far as possible equivalent to those in force in British India with reference to the emigration of natives from India :—

Accommodation required on board (*vide* section 57 of "The Indian Emigration Act, 1883").*

Sleeping accommodation, consisting of wooden sheathing to the decks or sleeping platforms (*vide* rule regarding "iron decks," as amended the 16th August, 1902, in Schedule "A" to the rules under "The Indian Emigration Act, 1883").

Rules as to space on board (*vide* section 58 of "The Indian Emigration Act, 1883.")

Carriage of qualified surgeon, with necessary medical stores.

Storage of drinking water (*vide* rule 113, as amended the 24th February, 1903, under "The Indian Emigration Act, 1883").

Provision of adequate distilling apparatus (*vide* Schedule "C" to the rules under "The Indian Emigration Act, 1883").

The dietary for each indentured emigrant on board ship shall be as follows per day :—

	Not less than
Rice, not less than 1½ lb., or flour or bread stuffs	1½ lb.
Fish (dried or salt) or meat (fresh or preserved)	0½ ,,
Fresh vegetables of suitable kinds	1½ ,,
Salt	1 oz.
Sugar	1½ ,,
Chinese tea	0½ ,,
Chinese condiments in sufficient qualities.	
Water, for drinking and cooking	1 gallon.

or such other articles of food as may be substituted for any of the articles enumerated in the foregoing scale as being in the opinion of the doctor on board equivalent thereto.

ANNEX.

Exchange of Notes respecting the Appointment of Chinese Consuls in British Colonies and Protectorates, under Article VI of the Convention of May 13, 1904.

(1).—*The Marquess of Lansdowne to Chang Ta-Jên.*

Sir, *Foreign Office, May* 13, 1904.

BY Article VI of the Convention about to be concluded between Great Britain and China with regard to Chinese subjects leaving the Treaty Ports of China under Indenture for service in British Colonies or Protectorates it is provided that :—

"For the better protection of the emigrant and of any other Chinese subject who may happen to be residing in the Colony or Protectorate to which the emigration is to take place, it shall be competent to the Emperor of China to appoint a Consul or Vice-Consul to watch over their interests and well-being, and such Consul or Vice-Consul shall have all the rights and privileges accorded to the Consuls of other nations."

* See "Hertslet's Commercial Treaties," Vol. 17, page 781.

His Majesty's Government consider it specially important that the persons appointed to occupy, for the purpose named, the position of Consul or Vice-Consul should be experienced officers of Chinese nationality, that they should be exclusively in the service of the Emperor of China, and that in each case the name of the person selected should be communicated to His Majesty's Government, and their agreement to the appointment obtained.

I have the honour to inquire whether the Chinese Government are prepared to meet the wishes of His Majesty's Government in the matter. If so, and if you will inform me accordingly, this note and your reply might be attached to the Convention in order to place on formal record the arrangement concluded.

I have, &c.
LANSDOWNE.

(2).—*Chang Ta-Jén to the Marquess of Lansdowne.*

My Lord Marquess, *Chinese Legation, May* 13, 1904.

In reply to your Lordship's note of this date, I have the honour to state that the Chinese Government are in entire accord with His Britannic Majesty's Government as to the great importance they attach to the Consuls and Vice-Consuls to be appointed under Article VI of the Convention about to be concluded between the two Governments being men of great experience, and will consider it a duty which they own to the emigrant to confine the selection of these officers to such as in all respects conform to the requirements specified in the note above referred to, which, together with the present one, it has been mutually agreed shall, in proof of this understanding, be appended to the said Convention.

I have, &c.
T. Y. CHANG.

(No. 30.) *CONVENTION between Great Britain and China respecting the Junction of the Chinese and Burmese Telegraph Lines.** *Signed at Peking, 23rd May,* 1905.

[Signed also in Chinese.]

ARTICLE I.

The Government of His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India, and the Government of His Majesty the Emperor of China with a view to facilitating international telegraphic communication, have resolved to revise the existing agreement (**No. 21**) regarding the exchange of telegraphic correspondence over the lines of the two States on the frontier of Burma and Yünnan.

* Parliamentary Paper. Treaty Series, No. 22 (1905). This Convention is a revision of the Convention of 6th September, 1894 (**No. 21**).

ARTICLE II.

The junction on the frontier remains as hitherto between the British Station at Bhamo and the Chinese Station at Tengyueh (Momein), and an intermediate station will continue to be maintained at Manwyne.

ARTICLE III.

The Indian and Chinese Administrations shall maintain in good condition the line of connection, and shall exchange the correspondence by wire between the two stations named in Article II, or between any other two stations hereafter mutually agreed upon.

Each of the Contracting Parties shall bear the expense incurred for these purposes on its own territory, and will take care that the boundaries between the the territories of the two Governments are scrupulously respected.

ARTICLE IV.

The rules laid down in the Service Regulations of the International Telegraph Convention shall be observed with regard to the technical treatment of telegrams transmitted over the line of connection described in Article II.

When the senders of telegrams do not expressly indicate the route by which they wish their telegrams to be forwarded, it is understood that at lower rates all limitrophe correspondence and at equal rates half the limitrophe correspondence shall be forwarded *viâ* the line of connection described in Article II, provided that the alternative routes are in equally good working order.

ARTICLE V.

Each of the Contracting Parties fixes the charges for transmission of telegrams by its lines up to the frontier of its own territory.

ARTICLE VI.

The following charges per word are declared for correspondence exchanged *viâ* the line of communication described in Article II:—

I. Indian Telegraph Administration.

A. *Terminal Charges.*

*For Telegrams exchanged with Places in China.**

	Francs.
1. From Stations in Burma to the Chinese frontier	0·10
2. From Stations in India to the Chinese frontier	0·35
3. From Stations in Ceylon to the Chinese frontier	0·45

*For Telegrams exchanged with Places beyond China.**

4. *From Stations in Burma to the Chinese frontier	0·575
5. *From Stations in India to the Chinese frontier	0·825
6. *From Stations in Ceylon to the Chinese frontier	0·940

* Additions made, by arrangement with the Chinese Government, in 1907.

B. *Transit Charges.*

	Francs.
Between the Chinese-Burmese frontier and all other frontiers	0·35

II. China.

A. *Terminal Charges.*

1. For telegrams exchanged with Europe and countries beyond Europe (except America)	3·36
2. For telegrams exchanged with America	4·86
3. For telegrams exchanged between all other countries on the one side and stations on the Yang-tsze or South of the Yang-tsze on the other side	1·00
4. For telegrams exchanged between all other countries on the one side and stations situated to the North of the Yang-tsze	1·50
5.—(*a.*) For telegrams exchanged between Burma, India, and Ceylon on the one side and the province of Yünnan on the other side	0·50
(*b.*) For *bonâ fide* British and Chinese Government telegrams between Burma, India and Ceylon on the one side and the province of Yünnan on the other side	0·25

B. *Transit Charges.*

1. For telegrams exchanged between Europe and countries beyond Europe (except America) on the one side and all countries beyond China on the other side	3·36
2. For telegrams exchanged between America on the one side and all countries beyond China on the other side	4·86
3. For all other telegrams between the Burmese-Chinese frontier and	
(*a.*) Shanghai or frontier stations South of the Yang-tsze	1·25
(*b.*) All other frontiers	1·50

The charges established for telegrams exchanged between China on the one side, and Burma, India, and Ceylon on the other side, are solely for correspondence actually exchanged between the named neighbouring countries, and the Chinese European and American correspondence cannot be re-telegraphed at these rates by private agencies or persons at intermediate stations.

If during the course of operation of this Convention the rates of China or of the Telegraph Companies operating in China be diminished for telegrams exchanged by the whole of China, including Hong Kong, with Europe and the countries beyond Europe, China undertakes simultaneously and in the same proportion to lower her present terminal and transit rates for such telegrams on their transmission along the Burma–Yünnan line.

ARTICLE VII.

The checking of the amount of correspondence exchanged *vid* the line of connection shall take place daily by wire between the stations named in Article II.

The settlement of accounts shall take place at the end of each month and the resulting balance shall be paid one month after the end of the month in account to the Indian Telegraph Administration at Calcutta or to the Chinese Telegraph Administration at Shanghai.

The month shall be reckoned according to the European Calendar. Telegrams referring to the settlement of accounts shall be considered as service telegrams and transmitted free of charge.

ARTICLE VIII.

The collection of the charges at all the stations of the Chinese Telegraph Administration, according to the rates fixed in Article VI of the present Convention in gold francs, as well as the liquidation of the mutual accounts, shall be made in Mexican dollars according to the actual rate of exchange between this coin and the franc.

This rate of exchange shall be agreed upon between the Telegraph Administrations of the contracting Governments during the month preceding each quarter on the basis of the average rate of exchange during the three months preceding that during which the rate is fixed.

As regards outpayments to Telegraph Administrations beyond China and India the Chinese and Indian Telegraph Administrations will communicate to each other their amount and this amount the two Administrations will be at liberty to collect and settle at such rates as may protect them from loss.

ARTICLE IX.

The present Convention shall come into force on the 1st day of June, 1905, and shall, unless otherwise mutually agreed upon, remain in force for ten years and thereafter until twelve months after one of the Contracting Parties shall have given notice of its intention to modify or to abrogate it.

In witness whereof the Undersigned duly authorized to this effect have signed the present Convention.

Done at Peking in the English language and in the Chinese language. Three expeditions duly compared and found to be in agreement have been signed in each of these languages on the 23rd day of the month of May, 1905, corresponding with the 20th day of the 4th moon of the 31st year of the reign of Kuang Hsü.

(L.S.) ERNEST SATOW. [Signature and Seal of the Chinese Plenipotentiary.]

(No. 31.) *AGREEMENT between China and the Powers Signatories of the Final Protocol of 7th September*, 1901, *respecting the Whangpoo Conservancy. Signed at Peking, 27th September*, 1905.

Le Gouvernement Chinois étant désireux de substituer aux dispositions du Protocole de 1901 (**No. 26**), visant l'institution d'un Conseil Fluvial pour la Rivière Whangpou et les attributions et ressources de ce Conseil, un *modus procedendi* nouveau, en faisant exécuter lui-même les travaux et en prenant à sa charge la totalité des dépenses, et les Puissances signataires du Protocole Final ayant souscrit à ce désir, il a été convenu des conditions énoncées ci-après :—

ARTICLE I.

Le Taotai des Douanes et le Commissaire des Douanes de Shanghaï sont chargés de la direction générale des travaux de rectification du cours du Whangpou et d'amélioration de la barre en deça et au delà de Wousung, ainsi que de leur entretien.

Pour la police fluviale et sanitaire, l'éclairage et balisage, le service de pilotage, &c., il sera procédé suivant les anciens Règlements.

ARTICLE II.

Trois mois après la signature du présent Accord la Chine fera elle-même choix d'un ingénieur versé dans les questions du travaux fluviaux, et si la majorité des Représentants des Puissances signataires du Protocole Final estime que l'ingénieur ainsi choisi possède les qualités requises, la Chine le désignera sur-le-champ pour entreprendre les travaux.

Dans le cas où, après le commencement des travaux, il y aurait lieu, pour des raisons jugées valables par la majorité des Ministres intéressés, de procéder à son remplacement, le choix et la désignation du nouvel ingénieur s'effectueront dans les mêmes conditions que ci-dessus.

ARTICLE III.

Pour tous les contrats d'entreprise générale ou partielle des travaux fluviaux, d'achat de matériel ou de machine, &c., il sera procédé par voie de soumission publique, l'adjudication devant être faite au soumissionnaire offrant les conditions les plus avantageuses.

ARTICLE IV.

Tous les trois mois un rapport détaillé sur les travaux exécutés et un état des dépenses effectuées seront établis et adressés pour examen au Corps Consulaire à Shanghaï.

ARTICLE V.

L'autorisation du Taotai et du Commissaire des Douanes de Shanghaï sera nécessaire pour la construction de quais et de jetées, ainsi que pour l'établissement de tous pontons ou maisons flottantes dans la rivière.

ARTICLE VI.

Le Taotai et le Commissaire des Douanes de Shanghaï auront le droit d'exproprier les appareils de mouillage fixes existants, et d'établir un système d'appareils de mouillage publics dans la rivière.

ARTICLE VII.

L'autorisation du Taotai et du Commissaire des Douanes sera nécessaire pour l'exécution des travaux de dragage et autres.

ARTICLE VIII.

Le Taotai et le Commissaire des Douanes auront le droit d'acquérir tous terrains situés en dehors des Concessions étrangères, nécessaires à l'exécution des travaux d'amélioration et de conservation du Whangpou, et de disposer des dits terrains. Si, dans cet ordre d'idées, il était jugé utile d'exproprier des terrains, et si ces terrains étaient la propriété d'étrangers, le prix sera fixé par une Commission composée de—

1. Une personne choisie par l'autorité Consulaire, dont le propriétaire est ressortissant ;

2. Une autre choisie par le Taotai et le Commissaire des Douanes ;

3. Une autre choisie par le doyen du Corps Consulaire.

Si le doyen du Corps Consulaire se trouvait être le Consul du propriétaire, le troisième membre de la Commission serait choisi par le Consul le plus ancien après le doyen. Le Consul de qui ressortira l'intéressé devra assurer l'exécution de la décision arbitrale. S'il s'agissait de propriétés Chinoises, la Douane procéderait à l'estimation et fixation du prix et à l'exécution de la décision dans des conditions analogues.

Les propriétaires riverains, tant Chinois qu'étrangers, auront un droit de préférence pour l'achat ou la prise à bail de tout terrain créé en avant de leurs propriétés par les assèchements effectués pour l'amélioration de la voie fluviale. Les prix d'acquisition de ces terrains seront fixés par une Commission constituée ainsi qu'il est prescrit au paragraphe précédent ou suivant le cas par l'autorité Douanière.

ARTICLE IX.

Le Gouvernement Chinois prend à sa charge la totalité des dépenses des travaux fluviaux sans percevoir aucune taxe ou contribution sur les terrains riverains ni sur le trafic des marchandises ou la navigation.

ARTICLE X.

La Chine indique et donne, comme garantie de la totalité des dépenses des travaux, les droits entiers sur l'opium de Ssetchouan, et de Ssutcheoufou au Kiangsou. Conformément aux prévisions du Protocole de 1901, elle consacrera à ces travaux annuellement, et pendant vingt ans, une somme de 460,000 Haikouan taels. Si, dans le courant d'une année quelconque après le commencement des travaux, les achats de matériel ou de machines, &c., nécessitent une dépense exceptionnelle, la Chine, pour y faire face, pourra contracter un emprunt au moyen de bons gagés sur le revenu des droits sur l'opium précités. Pour l'amortissement et le service des intérêts de cet emprunt, ainsi que pour les dépenses de toute nature afférentes à l'exécution des travaux ou à l'entretien des travaux déjà terminés, la Chine fournira annuellement un minimum de 460,000 Haikouan taels. Les autorités provinciales compétentes remettront cette somme, par versements mensuels égaux, entre les mains du Taotai et du Commissaire des Douanes de Shanghaï.

Si les revenus désignés devenaient insuffisants, le Gouvernement Chinois devra fournir la somme spécifiée sur d'autres ressources.

ARTICLE XI.

Si les travaux n'étaient pas effectués avec diligence, soin, et économie, le Corps Consulaire, sur une décision prise à la majorité des votes, pourra signaler le fait au Taotai et au Commissaire des Douanes de Shanghaï, et leur demander de prescrire à l'ingénieur de prendre les mesures nécessaires pour y remédier; si l'exécution des travaux continue à être défectueuse, le Corps Consulaire pourra de même recommander le renvoi de l'ingénieur ainsi que le choix et la désignation d'un autre, dans les conditions prévues à l'Article II. Dans le cas où le Taotai et le Commissaire des Douanes de Shanghaï ne tiendraient pas compte de ces démarches, le Corps Consulaire pourra saisir de la question les Représentants des Puissances intéressées.

ARTICLE XII.

Lorsque les présentes stipulations auront été discutées, arrêtées, et signées, les stipulations contenues dans le paragraphe (*b*)* de l'Article XI, et dans l'Annexe 17† du Protocole de 1901, seront suspendues; mais si la Chine ne fournit pas annuellement les fonds suffisants, conformément au nouvel Accord, de telle manière que l'exécution des travaux s'en trouve entravée, ou si elle omet de se conformer à quelque autre stipulation essentielle du présent Arrangement, les stipulations primitives du Protocole de 1901 et de l'Annexe 17 reprendront immédiatement leur force.

[Here follow the Signatures.]

* See page 130.
† See page 143.

No. 32. *CONVENTION between Great Britain and China respecting Tibet.* Signed at Peking, 27th April, 1906.*

(To which is annexed the Convention between the United Kingdom and Tibet, signed at Lhasa, 7th September, 1904.)*

[Signed also in Chinese.]

[Ratifications exchanged at London, July 23, 1906.]

WHEREAS His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires;

And whereas the refusal of Tibet to recognise the validity of or to carry into full effect the provisions of the Anglo-Chinese Convention of March 17, 1890 (**No. 17**), and Regulations of December 5th, 1893 (**No. 19**), placed the British Government under the necessity of taking steps to secure their rights and interests under the said Convention and Regulations;

And whereas a Convention of ten articles was signed at Lhasa on September 7th, 1904,† on behalf of Great Britain and Tibet, and was ratified by the Viceroy and Governor-General of India on behalf of Great Britain on November 11th, 1904,‡ a declaration on behalf of Great Britain modifying its terms under certain conditions being appended thereto;

His Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject and have for this purpose named Plenipotentiaries, that is to say:—

His Majesty the King of Great Britain and Ireland:

Sir Ernest Mason Satow, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, His said Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China;

and His Majesty the Emperor of China:

His Excellency Tong Shoa-yi, His said Majesty's High Commissioner Plenipotentiary and a Vice-President of the Board of Foreign Affairs;

who having communicated to each other their respective full powers and finding them to be in good and true form have agreed upon and concluded the following Convention in six articles:—

ARTICLE I.

Confirmation of Convention of 7th September, 1904, between Great Britain and Tibet.

The Convention concluded on September 7th, 1904, by Great Britain and Tibet, the texts of which in English and Chinese are

* Parliamentary Paper, Treaty Series No. 9 (1906). See also Convention (**No. 121**), and Exchange of Notes (**No. 122**), between Great Britain and Russia, 31st August, 1907.

† See page 204.

‡ See page 208.

attached to the present Convention as an annex, is hereby confirmed, subject to the modification stated in the declaration appended thereto, and both of the High Contracting Parties engage to take at all times such steps as may be necessary to secure the due fulfilment of the terms specified therein.

ARTICLE II.

Integrity of Tibetan Territory. Administration. Non-interference of any Foreign State.

The Government of Great Britain engages not to annex Tibetan territory or to interfere in the administration of Tibet. The Government of China also undertakes not to permit any other foreign State to interfere with the territory or internal administration of Tibet.

ARTICLE III.

Concessions granted by Tibet are denied to any other State but China. Telegraph.

The concessions which are mentioned in Article 9 (*d*) of the Convention concluded on September 7th, 1904, by Great Britain and Tibet are denied to any state or to the subject of any state other than China, but it has been arranged with China that at the trade marts specified in Article 2 of the aforesaid Convention Great Britain shall be entitled to lay down telegraph lines connecting with India.

ARTICLE IV.

Continuance of Anglo-Chinese Convention of 1890, *and Regulations of* 1893.

The provisions of the Anglo-Chinese Convention of 1890 (**No. 17**) and Regulations of 1893 (**No. 19**) shall, subject to the terms of this present Convention and annex thereto, remain in full force.

ARTICLE V.

English Text of Convention to be Authoritative.

The English and Chinese texts of the present Convention have been carefully compared and found to correspond, but in the event of there being any difference of meaning between them the English text shall be authoritative.

ARTICLE VI.

Ratifications.

This Convention shall be ratified by the Sovereigns of both countries, and ratifications shall be exchanged at London within three months after the date of signature by the Plenipotentiaries of both Powers.

In token whereof the respective Plenipotentiaries have signed and sealed this Convention, four copies in English and four in Chinese.

Done at Peking this 27th day of April, 1906, being the 4th day of the 4th month of the 32nd year of the reign of Kuang-hsü.

(L.S.) ERNEST SATOW.

[Signature and Seal of the Chinese Plenipotentiary.]

ANNEX.

Convention between the Government of Great Britain and Tibet signed at Lhasa on the 7th September, 1904.*

Declaration signed by His Excellency the Viceroy and Governor-General of India on behalf of the British Government and appended to the ratified Convention of the 7th September, 1904.

Convention between the Governments of Great Britain and Tibet.

[Signed also in Chinese.]

Whereas doubts and difficulties have arisen as to the meaning and validity of the Anglo-Chinese Convention of 1890 (**No. 17**), and the Trade Regulations of 1893 (**No. 19**), and as to the liabilities of the Tibetan Government under these agreements; and Whereas recent occurrences have tended towards a disturbance of the relations of friendship and good understanding which have existed between the British Government and the Government of Tibet; and Whereas it is desirable to restore peace and amicable relations, and to resolve and determine the doubts and difficulties as aforesaid, the said Governments have resolved to conclude a Convention with these objects, and the following articles have been agreed upon by Colonel F. E. Younghusband, C.I.E., in virtue of full powers vested in him by His Britannic Majesty's Government and on behalf of that said Government, and Lo-Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council, of the three monasteries, Se-ra, Dre-pung and Ga-den, and of the ecclesiastical and lay officials of the National Assembly on behalf of the Government of Tibet.

I.

Anglo-Chinese Convention of 1890, *and Sikkim-Tibet Frontier.*

The Government of Tibet engages to respect the Anglo-Chinese Convention of 1890 (**No. 17**), and to recognise the frontier between Sikkim and Tibet, as defined in Article I of the said Convention, and to erect boundary pillars accordingly.

* See also Convention (**No. 121**), and Exchange of Notes (**No. 122**), between Great Britain and Russia, 31st August, 1907.

II.*

Opening of Trade Marts at Gyantse and Gartok.

The Tibetan Government undertakes to open forthwith trade marts to which all British and Tibetan subjects shall have free right of access at Gyantse and Gartok, as well as at Yatung.

Application of Regulations of 1893.

The Regulations applicable to the trade mart at Yatung, under the Anglo-Chinese Agreement of 1893 (**No. 19**), shall, subject to such amendments as may hereafter be agreed upon by common consent between the British and Tibetan Governments, apply to the marts above mentioned.

No Restrictions on Trade by existing Routes. Opening of fresh Trade Marts.

In addition to establishing trade marts at the places mentioned, the Tibetan Government undertakes to place no restrictions on the trade by existing routes, and to consider the question of establishing fresh trade marts under similar conditions if development of trade requires it.

III.

Amendment of Regulations of 1893.

The question of the amendment of the Regulations of 1893 is reserved for separate consideration, and the Tibetan Government undertakes to appoint fully authorized delegates to negotiate with representatives of the British Government as to the details of the amendments required.

IV.

Tariff.

The Tibetan Government undertakes to levy no dues of any kind other than those provided for in the tariff to be mutually agreed upon.

V.

Upkeep of Trade Roads. Appointment of Agents at Trade Marts. Transmission of Correspondence.

The Tibetan Government undertakes to keep the roads to Gyantse and Gartok from the frontier clear of all obstruction and in a state of repair suited to the needs of the trade, and to establish at Yatung, Gyantse, and Gartok, and at each of the other trade marts that may hereafter be established, a Tibetan Agent who shall receive from the British Agent appointed to watch over British trade at the marts in question any letter which the latter may desire to send to the Tibetan or to the Chinese authorities. The Tibetan Agent shall also be responsible for the due delivery of such communications and for the transmission of replies.

* See Declaration of 11th November, 1904, page 208.

VI.*

Indemnity for Expenses of British Expedition to Lhasa.

As an indemnity to the British Government for the expense incurred in the despatch of armed troops to Lhasa, to exact reparation for breaches of treaty obligations, and for the insults offered to and attacks upon the British Commissioner and his following and escort, the Tibetan Government engages to pay a sum of pounds five hundred thousand—equivalent to rupees seventy-five lakhs—to the British Government.

Mode of Payment of Indemnity.

The indemnity shall be payable at such place as the British Government may from time to time, after due notice, indicate whether in Tibet or in the British districts of Darjeeling or Jalpaiguri, in seventy-five annual instalments of rupees one lakh each on the 1st January in each year, beginning from the 1st January, 1906.

VII.*

Occupation by Great Britain of the Chumbi Valley as Security.

As security for the payment of the above-mentioned indemnity, and for the fulfilment of the provisions relative to trade marts specified in Articles II, III, IV, and V, the British Government shall continue to occupy the Chumbi valley until the indemnity has been paid and until the trade marts have been effectively opened for three years, whichever date may be the later.

VIII.

Razing of Fortifications. Free Communication between British Frontier and Gyantse and Lhasa.

The Tibetan Government agrees to raze all forts and fortifications and remove all armaments which might impede the course of free communication between the British frontier and the towns of Gyantse and Lhasa.

IX.

The Government of Tibet engages that, without the previous consent of the British Government—

Non-cession, &c., of Tibetan Territory to any Foreign Power.

(*a*) no portion of Tibetan territory shall be ceded, sold, leased, mortgaged, or otherwise given for occupation, to any Foreign Power;

Non-intervention of any Foreign Power in Tibetan Affairs.

(*b*) no such Power shall be permitted to intervene in Tibetan affairs;

No Representatives, or Agents, of any Foreign Power to be admitted.

(*c*) no Representatives or Agents of any Foreign Power shall be admitted to Tibet;

* See Declaration of 11th November, 1904, page 208, and foot-note on page 622.

Concessions.

(*d*) no concessions for railways, roads, telegraphs, mining or other rights, shall be granted to any Foreign Power, or to the subject of any Foreign Power. In the event of consent to such concessions being granted, similar or equivalent concessions shall be granted to the British Government;

Tibetan Revenues not to be Pledged.

(*e*) no Tibetan revenues, whether in kind or in cash, shall be pledged or assigned to any Foreign Power, or to the subject of any Foreign Power.

X.

In witness whereof the negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quintuplicate at Lhasa, this 7th day of September in the year of our Lord 1904, corresponding with the Tibetan date, the 27th day of the 7th month of the Wood Dragon year.

Tibet Frontier.

F. E. YOUNGHUSBAND, *Col.*
British Commissioner.

Commission.

Seal of British Commissioner.

Seal of the Dalai Lama, affixed by the Ga-den Ti-Rimpoche.

Seal of Council.

Seal of the Dre-pung Monastery.

Seal of Sera Monastery.

Seal of Ga-den Monastery.

Seal of National Assembly.

In proceeding to the signature of the Convention, dated this day, the representatives of Great Britain and Tibet declare that the English text shall be binding.

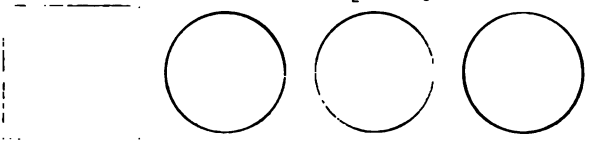
Tibet Frontier

F. E. YOUNGHUSBAND, *Col.*
British Commissioner.

Commission.

Seal of British Commissioner.

Seal of the Dalai Lama, affixed by the Ga-den Ti-Rimpoche.



Seal of Council. | Seal of the Dre-pung Monastery. | Seal of Sera Monastery. | Seal of Ga-den Monastery. | Seal of National Assembly.

AMPTHILL.
Viceroy and Governor-General of India.

This Convention was ratified by the Viceroy and Governor-General of India in Council at Simla on the 11th day of November, A.D., 1904.

S. M. FRASER.
Secretary to the Government of India, Foreign Department.

Declaration signed by his Excellency the Viceroy and Governor-General of India and appended to the ratified Convention of 7th September*, 1904.

His Excellency the Viceroy and Governor-General of India, having ratified the Convention which was concluded at Lhasa on 7th September, 1904,† by Colonel Younghusband, C.I.E., British Commissioner for Tibet Frontier Matters, on behalf of His Britannic Majesty's Government; and by Lo-Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council, of the three monasteries Sera, Drepung, and Ga-den, and of the ecclesiastical and lay officials of the National Assembly, on behalf of the Government of Tibet, is pleased to direct as an act of grace that the sum of money which the Tibetan Government have bound themselves under the terms of Article VI of the said Convention to pay to His Majesty's Government as an indemnity for the expenses incurred by the latter in connection with the despatch of armed forces to Lhasa, be reduced from Rs. 75,00,000 to Rs. 25,00,000; and to declare that the British occupation of the Chumbi valley shall cease after the due payment of three annual instalments of the said indemnity as fixed by the said Article, provided, however, that the trade marts as stipulated in Article II of the Convention shall have been effectively opened for three years as provided in Article VI‡ (*sic*) of the Convention; and that, in the meantime, the Tibetans shall have faithfully complied with the terms of the said Convention in all other respects.

AMPTHILL.
Viceroy and Governor-General of India.

This declaration was signed by the Viceroy and Governor General of India in Council at Simla on the 11th day of November, A.D., 1904.

S. M. FRASER.
Secretary to the Government of India, Foreign Department.

* See Annex to Convention between Great Britain and Russia, 31st August, 1907 (No. 121), and foot-note. Page 622. † See page 204. ‡ Should be Article VII.



PART II.

TREATIES BETWEEN CHINA AND FOREIGN POWERS (OTHER THAN GREAT BRITAIN), 1689—1907.

PART II.

LIST of TREATIES between China and Foreign Powers (other than Great Britain). 1689–1907.

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* Expired. † Not ratified.

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CHINA AND FOREIGN POWERS.

[Other than Great Britain.]

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* Expired.

(**No. 33.**) *TREATY of Friendship, Commerce, and Navigation between Austria-Hungary and China. Signed at Peking, 2nd September,* 1869.

[Signed in German and Chinese.]

[Ratifications exchanged at Shanghai, November 27, 1871.]

(Traduction.)

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Similar to Denmark, **No. 38,** Art. I.]

ARTICLE II.

Appointment of Diplomatic Agents.

[Similar to Great Britain, **No. 6,** Art. II.]

ARTICLE III.

Residence of Diplomatic Agents. Their Rights and Privileges.

Les Agents Diplomatiques nommés des deux côtés ont le droit, pour le règlement de leurs affaires, d'établir leur résidence permanente dans la capitale de l'autre État, ou d'y faire seulement des visites à l'occasion.

Les Agents Diplomatiques des deux Parties Contractantes jouiront au lieu de leur séjour des priviléges et libertés que leur assure le droit des nations. Leur personne, leur famille, leur maison, et leur correspondance seront inviolables. Ils ne doivent pas être limités dans le choix et l'engagement de leurs employés, courriers, interprètes, serviteurs, &c., lesquels ne devront être inquiétés en aucune façon.

Quiconque se permettra une offense orale ou de fait ou une voie de fait envers les Représentants de leurs Majestés ou envers un membre de leur famille ou de leur maison, sera sévèrement puni par les autorités.

ARTICLE IV.

Rights and Privileges of Austro-Hungarian Representative. Receipt and Transmission of Correspondence. Privileges to Couriers. Expenses of Mission.

[Same as Great Britain, **No. 6,** Art. IV.]

ARTICLE V.

Transaction of Business between Austro-Hungarian Representative and Chinese Ministers.

[Similar to Denmark, **No. 38,** Art. V.]

ARTICLE VI.

Appointment of Consuls. Consular Duties may be performed by Consul of a friendly Power.

[Similar to Great Britain, **No. 6,** Art. VII., with the following addition:]

Si le Gouvernement de Sa Majesté Impériale et Royale Apostolique ne considère pas la nomination d'un Consul dans l'un des ports ouverts au commerce comme nécessaire, il pourra charger des fonctions d'Agent Consulaire, dans ce port, le Consul d'une nation amie.

ARTICLE VII.

Language to be employed in Official Communications.

Les communications officielles des Agents Diplomatiques et Consulaires de Sa Majesté Impériale et Royale Apostolique auront lieu en langue Allemande, et seront accompagnées d'une traduction Chinoise. Pareillement les autorités Chinoises écriront en langue Chinoise, et dans le cas où l'on découvrirait une différence dans la version Allemande ou Chinoise on considérera comme vraie la version de la nation dans la langue de laquelle l'écrit aura été rédigé en premier.

Le présent Traité est expédié en langue Allemande et Chinoise, et les deux textes ont été attentivement comparés de façon que le sens et la signification de chaque Article sont parfaitement d'accord.

ARTICLE VIII.

Permission to Austro-Hungarian Subjects to trade, &c., in Open Ports.

[Similar to Belgium, **No. 34,** Art. XI., with the following addition:]

A l'intérieur du pays, et comme les sujets d'autres États, ils peuvent faire le commerce sans cependant pouvoir y établir des magasins de marchandises.

ARTICLE IX.

Renting of Land for building Houses, Warehouses, Churches, Hospitals, Schools, and Burial-grounds.

[Similar to Belgium, **No. 34,** Art. XII.]

ARTICLE X.

Austro-Hungarian Vessels free to visit open Ports, but liable to Confiscation if trading with non-open Ports, or selling Provisions, Arms, and Munitions to Rebels or Pirates. Fraudulent use of Flag.

Les navires marchands de la monarchie Austro-Hongroise pourront visiter les ports et les villes ouverts au commerce étranger et naviguer librement d'un port à l'autre avec leurs marchandises. Mais il leur est interdit de visiter d'autres ports ou de faire le commerce de contrebande sur les côtes.

Si un navire marchand est surpris à faire la contrebande, sa cargaison, sans égard à sa valeur ou à sa nature, sera soumise à la confiscation par les autorités Chinoises ; ce navire marchand pourra être exclu d'un commerce ultérieur et éloigné aussitôt qu'il aura réglé et liquidé ses comptes. Toutes les confiscations auront lieu au profit du Gouvernement Chinois, lequel, toutefois, avant que la confiscation ne soit prononcée effectivement, aura à la communiquer au Consul Impériale et Royal du port le plus voisin.

Nul négociant ni armateur ne doit livrer des vivres, armes ou munitions aux rebelles ou à des pirates. Dans le cas d'une contravention le bâtiment et la cargaison seront confisqués et le coupable livré à son Gouvernement afin qu'il soit puni selon la rigueur des lois.

Il est aussi défendu de visiter les territoires occupés par les rebelles. Le Gouvernement Austro-Hongrois saura réprimer par tous les moyens l'usage abusif que l'on pourrait faire de son pavillon.

ARTICLE XI.

Passports.

Les nationaux de la monarchie Austro-Hongroise voyageant à l'intérieur pour y faire le commerce devront, comme les sujets des autres Puissances, se munir de documents de voyage que leur délivrera l'inspecteur des douanes ; ceux qui ne voyagent que pour leur agrément se feront délivrer un passeport par le Consul, lequel passeport devra être visé par l'autorité locale. Le possesseur du passeport devra l'exhiber lorsqu'on le lui demandera. Si le passeport est en ordre, celui qui en est possesseur pourra continuer son voyage, et on ne pourra lui défendre de prendre des personnes à son service ou des barques pour le transport de ses effets ou de ses marchandises. Si, au contraire, le voyageur n'a pas de passeport ou s'il commet des actes opposés aux lois, il sera livré au Consulat le plus voisin afin d'y être puni. Cependant, sauf le cas de l'arrestation jugée nécessaire, il ne peut être soumis à aucun mauvais traitement. Le passeport ne sera pas exigible pour des excursions à une distance ne dépassant pas 100 li du port ouvert au commerce étranger et pour un délai de moins de cinq jours.

Cet Article n'a pas trait aux équipages pour lesquels, à la suite

d'accords entre les Consuls et les autorités locales, des limites particulières seront établies.

Le Consul Impérial et Royal aura soin de ne délivrer de passeports qu'à des personnes respectables.

ARTICLE XII.

Employment of Interpreters, &c., by Austro-Hungarian Subjects. Freedom to learn Chinese, and to teach Foreign Languages. Sale and Purchase of Books.

Il sera permis aux nationaux de la Monarchie Austro-Hongroise de prendre à leur service dans toutes les parties de la Chine, moyennant une indemnité raisonnable débattue entre les intéressés, des compradors, des interprètes, des écrivains, ouvriers, bateliers, gens d'équipages et des domestiques. Ils peuvent, de même, apprendre la langue ou les dialectes du pays à l'aide de Chinois, ou enseigner à ces derniers les langues étrangères. On ne mettra aucun obstacle à la vente de livres imprimés en Autriche-Hongroie et à l'achat de livres Chinois.

ARTICLE XIII.

Property of Austro-Hungarian Subjects inviolable. Embargo on Austro-Hungarian Vessels forbidden.

[Similar to Belgium, **No. 34,** Art. XIV.]

ARTICLE XIV.

Pilots.

[Same as Great Britain, **No. 6,** Art. XXXV.]

ARTICLE XV.

Custom-House Guards.

Aussitôt après l'arrivée d'un navire marchand, appartenant à un national Austro-Hongrois, dans un port, l'inspecteur des douanes, s'il le juge à propos, enverra un ou plusieurs employés des douanes pour surveiller le navire et avoir soin qu'on ne fasse pas la contrebande. Ces préposés pourront, selon leur convenance, rester dans leur propre bateau on se tenir à bord du bâtiment.

Les frais de leur solde, de leur nourriture, et de leur entretien sont à la charge de l'autorité Chinoise et ils ne peuvent demander d'indemnité ou de récompense de quelle que nature qu'elle soit au capitaine ou aux consignataires.

ARTICLE XVI.

Liability of Vessels entering Ports.

[Same as Great Britain, **No. 6,** Arts. XXXVII and XXXVIII.]

ARTICLE XVII.

Permits to Land and Ship Cargoes.

[Same as Great Britain, **No. 6,** Art. XXXIX.]

ARTICLE XVIII.

Trans-shipments.

[Similar to Great Britain, **No. 6,** Art. XL.]

ARTICLE XIX.

Employment of Boats for Conveyance of Merchandise, Passengers, &c. Monopoly forbidden. Confiscation of Merchandise for Fraud.

[Similar to Belgium, **No. 34,** Art. XXIX.]

ARTICLE XX.

Import and Export Duties. Most-favoured-nation Treatment.

Les négociants de la monarchie Austro-Hongroise paieront les droits d'entrée et de sortie fixés par le tarif; mais en aucun cas ils ne devront payer des prix plus élevés que ceux de la nation la plus favorisée.

Dans le cas où la Chine, avant l'expiration de ce Traité, devrait traiter de l'abaissement ou de la surélévation des tarifs, le Gouvernement Impérial et Royal, aussitôt après la conclusion d'un Traité de ce genre, s'y associera.

Les stipulations commerciales jointes au présent Traité seront considérées comme partie intégrante de ce Traité et par conséquent obligatoires pour les deux Hautes Parties Contractantes.

ARTICLE XXI.

Mode of levying ad valorem *Duties.*

[Same as Great Britain, **No. 6,** Art. XLII.]

ARTICLE XXII.

Mode of levying Duties on Goods.

[Same as Great Britain, **No. 6,** Art. XLIII.]

ARTICLE XXIII.

Reduction of Duty on Damaged Goods.

[Same as Great Britain, **No. 6,** Art. XLIV.]

ARTICLE XXIV.

Tonnage Dues. Exemption from Payment in certain cases.

[Same as Great Britain, **No. 6,** Art. XXX.]

ARTICLE XXV.

Payment of Import and Export Duties. Port clearances.

[Same as Great Britain, **No. 6,** Arts. XXV. and XLI.]

ARTICLE XXVI.

Duties to be paid in Sycee or Foreign Money.

[Similar to Denmark, **No. 38,** Art. XXXII.]

ARTICLE XXVII.

Tonnage Dues. Exemptions.

Les navires marchands appartenant à la monarchie Austro-Hongroise jaugeant plus de 150 tonneaux paieront 4 maces par tonneau, les bâtiments de moins de 150 tonnes 1 mace. L'évaluation de ces droits aura pour base la tonne Anglaise. L'inspecteur des douanes délivrera au capitaine ou au consignataire un reçu du paiement des droits de tonnage, sur le vu duquel les autorités douanières d'autres ports Chinois où le capitaine jettera l'ancre pendant 4 mois à partir de la date de la quittance générale mentionnée à l'Art. XXV n'auront pas de nouveaux droits de tonnage à exiger.

Les navires possédés par les nationaux de la monarchie Austro-Hongroise pour le transport de passagers, de bagages, de lettres, de vivres ou d'articles qui ne sont soumis à aucuns droits, sont libres du droit de tonnage. Dans le cas où ces navires porteraient des marchandises soumises à des droits de Douane, ils seront placés dans la catégorie des bâtiments comptés au dessous de 150 tonneaux et paieront un prix de tonnage de 1 mace par tonne.

ARTICLE XXVIII.

Transit Dues. Austria-Hungary to agree to Alterations in Customs Dues which may be agreed upon with any other Foreign Power.

[§§ 1 to 3 similar to Denmark, **No. 38,** Art. XXVII.]

§ 4.—Dans le cas où le Gouvernement Chinois traiterait à l'avenir avec une autre puissance au sujet de la réduction ou de l'élévation des droits de douanes ou au sujet d'un changement dans la manière d'en opérer la perception, le Gouvernement Impérial et Royal accédera à cette Convention dès qu'elle aura été généralement acceptée.

ARTICLE XXIX.

Duties only leviable on portion of Cargo landed.

[Similar to Belgium, **No. 34,** Art. XXVI.]

ARTICLE XXX.

Coasting Trade. Drawback Certificates.

[Same as Denmark, **No. 38,** Art. XLIV.]

ARTICLE XXXI.

Re-exportation of Duty-paid Goods. Drawbacks. Austria-Hungary to agree to alterations respecting Drawbacks which may be agreed upon with any other Foreign Power.

[§§ 1 and 2 similar to Denmark, **No. 38,** Art. XLV, §§ 1 and 2.]

§ 3.—A la place de ces billets ou drawbacks on pourra obtenir une permission de débarquer, sans payer de droits de douane des marchandises (*Mien-schue-tân*) pour un autre port Chinois. Les bâtiments appartenant à la monarchie Austro-Hongroise, chargés de céréales étrangères, peuvent les exporter sans payer de droits, toutes les fois qu'ils n'ont pas vendu une partie de leur cargaison.

§ 4.—Si, à l'avenir, le Gouvernement Chinois venait à traiter avec une autre puissance au sujet de la durée pendant laquelle ces billets de restitution de droits peuvent être délivrés (en comptant du moment où le chargement des marchandises a eu lieu) le Gouvernement Impérial et Royal se réunira aux Conventions à intervenir dès qu'elles auront été acceptées en général.

ARTICLE XXXII.

Standard Weights and Measures to be deposited at each Consulate.

[Similar to Denmark, **No. 38,** Art. XXXIII.]

ARTICLE XXXIII.

Penalties and Confiscations to belong to the Chinese Government.

[Similar to Great Britain, **No. 6,** Art. XLIX.]

ARTICLE XXXIV.

Facilities to be granted to Austro-Hungarian Ships of War. Piracy, &c. Exemption from Duties.

[Same as Great Britain, **No. 6,** Art. LII, with the following addition :]

Ces navires n'auront à payer d'impôts d'aucune espèce.

ARTICLE XXXV.

Wrecks.

[Same as Great Britain, **No. 6,** Art. XX.]

ARTICLE XXXVI.

Surrender of Austro-Hungarian Seamen Deserters, and others. Surrender of Chinese Deserters and Criminals.

[Similar to France, **No. 40,** Art. XXXII.]

ARTICLE XXXVII.

Pursuit of Pirates. Punishment for Neglect of Duty.

[Similar to Denmark, **No. 38,** Art. XIX.]

ARTICLE XXXVIII.

Disputes between Austro-Hungarian Subjects and Chinese. Consular Intervention.

[Same as Great Britain, **No. 6,** Art. XVII.]

ARTICLE XXXIX.

Administration of Justice in Cases of Crimes by Chinese. Consular Jurisdiction in Cases of Crimes by Austro-Hungarian Subjects.

[Same as Denmark, **No. 38,** Art. XVI, §§ 1 and 2.]

ARTICLE XL.

Austro-Hungarian Jurisdiction over Austro-Hungarian Subjects. Non-interference of Chinese Authorities in Differences between Austro-Hungarian Subjects and Foreigners.

[Same as Denmark, **No. 38,** Art. XV.]

ARTICLE XLI.

Protection to Austro-Hungarian Subjects and Property. Punishment for Neglect.

[Similar to Great Britain, **No. 6,** Art. XVIII., with the following addition :]

Si l'autorité locale ne parvenait pas à arrêter les coupables, le Gouvernement Chinois ne sera tenu de fournir d'autre compensation, si ce n'est la punition de ces fonctionnaires d'après les lois Chinoises.

ARTICLE XLII.

Austro-Hungarian and Chinese fraudulent Debtors.

[Similar to Denmark, **No. 38,** Art. XXII.]

ARTICLE XLIII.

Most-favoured-nation Treatment to Austro-Hungarian Government, Subjects, and Commerce.

La monarchie Austro-Hongroise, ainsi que ses nationaux, jouiront pleinement et entièrement de tous les priviléges, libertés et avantages que Sa Majesté l'Empereur de Chine accorde ou accordera au Gouvernement ou aux sujets d'une autre nation.

Tous les changements dans le tarif ou dans les stipulations sur

les douanes, les droits de tonnage et de port, d'entrée, de sortie et de transit, même ceux qui seraient restreints, seront applicables aux négociants et aux navigateurs Autrichiens-Hongrois dès qu'ils auront été généralement acceptés.

De même les sujets Chinois seront traités sur le territoire de la monarchie Austro-Hongroise comme les sujets de la nation la plus favorisée.

ARTICLE XLIV.

Duration and Revision of Treaty and Tariff.

[Same as Great Britain, **No. 6**, Art. XXVII., with the following addition :]

Mais si avant l'expiration des 10 premières années on concluait une révision de traité ou de tarif avec l'une des puissances liées par les Traités avec la Chine, les avantages qu'elle obtiendrait seront aussitôt accordés au Gouvernement de Sa Majesté Impériale et Royale Apostolique.

ARTICLE XLV.

Ratifications.

Les ratifications de ce Traité auront lieu dans l'espace d'une année à compter du jour de la signature, à Shanghaï ou à Tientsin.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et l'ont scellé de leur sceau.

Fait à Pékin en 4 expéditions le 2e jour de Septembre de l'année 1889 de l'ère chrétienne, c'est à dire le 26e jour du 7e mois de la 8e année du règne de S. M. Tung-Chih.

(L.S.) FREIHERR VON PETZ.
Contre-Amiral.
(L.S.) TUNG-SÜN.
(L.S.) CHUNG-HOU.

[Here follow the Tariff of Imports and Exports and Commercial Regulations. See **No. 7.**]

(No. 34.) *TREATY of Friendship, Commerce, and Navigation between Belgium and China. Signed at Peking, 2nd November,* 1865.*

[Signed also in Chinese.]

[Ratifications exchanged at Shanghai, October 27, 1866.]

Preamble.

* ["State Papers." Vol. 56. Page 667.] Belgian subjects were granted permission to trade with China by an Imperial Letter, dated 25th July, 1845, which is sometimes alluded to as an Arrangement between the two countries, but it did not assume the form of a Treaty.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Similar to Denmark, **No. 38,** Art. I.]

ARTICLE II.

Appointment of Diplomatic Agents.

[Similar to Great Britain, **No. 6,** Art. II.]

ARTICLE III.

Rights and Privileges of Belgian Diplomatic Agents in China. Servants, &c.

[Similar to Denmark, **No. 38,** Art. III.]

ARTICLE IV.

Rights and Privileges of Belgian Representative.

[Same as Great Britain, **No. 6,** Art. IV.]

ARTICLE V.

Transaction of business between Belgian Representative and Chinese Ministers.

[Same as Denmark, **No. 38,** Art. V.]

ARTICLE VI.

Privileges of Chinese Diplomatic Agents in Belgium.

[Same as Great Britain, **No. 6,** Art. VI.]

ARTICLE VII.

Appointment of Consuls. Consular Duties may be performed by Consul of a friendly Power.

[Similar to Great Britain, **No. 6,** Art. VII, with the following addition :]

Lorsque le Gouvernement Belge ne jugera pas nécessaire de nommer un Consul dans un port ouvert au commerce, il pourra confier les fonctions Consulaires Belges dans ce port au Consul d'une puissance amie.

ARTICLE VIII.

Language to be employed in Official Communications.

Les communications officielles des Agents Diplomatiques et Consulaires Belges avec les autorités Chinoises seront écrites en Français et seront accompagnées d'une traduction Chinoise. Les

communications officielles des autorités Chinoises avec les Agents Diplomatiques et Consulaires Belges seront écrites en Chinois. Il est expressément entendu que, en cas de dissidence dans l'interprétation à donner au texte Français et au texte Chinois, les autorités Belges aussi bien que les autorités Chinoises prendront chacune leur propre texte comme le texte exact.

Cette règle s'appliquera également au présent Traité dont la traduction Chinoise a été rendue soigneusement conforme au texte original Français.

ARTICLE IX.

Official Correspondence between the Belgian and Chinese Authorities and Functionaries.

[Similar to France, **No. 40**, Art. IV, §§ 1 and 2.]

ARTICLE X.

Passports.

Les Belges pourront voyager dans toutes les parties de la Chine soit pour leur agrément, soit pour leur commerce, à la condition expresse d'être munis de passeports rédigés en Français et en Chinois, légalement délivrés par les Agents Diplomatiques ou les Consuls de Belgique en Chine, et visés par les autorités Chinoises.

En cas de perte de ce passeport, le Belge qui ne pourra pas le présenter, lorsqu'il en sera requis légalement, devra, si l'autorité Chinoise du lieu où il se trouve se refuse à lui donner un permis de séjour, pour lui laisser le temps de demander un autre passeport au Consul, être reconduit avec toute sécurité au Consulat le plus voisin, sans qu'il soit permis de le maltraiter ni de l'insulter en aucune manière. Il en sera de même dans le cas où un Belge aurait commis quelque attentat contre les lois.

Les Belges pourront circuler sans passeport dans le voisinage des ports ouverts au commerce étranger jusqu'à une distance n'excédant pas cent lis et pour un temps qui ne dépassera pas 5 jours.

Les dispositions qui précèdent ne seront pas applicables aux équipages des navires. Quand des matelots descendront à terre, ils seront soumis à des règlements de discipline qui seront arrêtés par le Consul et les autorités locales.

Les agents Belges en Chine ne délivreront pas de passeports à leurs nationaux pour les lieux où des rebelles seraient établis dans le moment où ces passeports seront demandés.

Ces passeports ne seront délivrés par les Agents Belges qu'aux personnes qui leur offriront toutes les garanties désirables.

ARTICLE XI.

Permission to Belgian Subjects to Trade, &c., in Open Ports.

Les Belges et leurs familles pourront se transporter, s'établir et se livrer au commerce ou à l'industrie en toute sécurité et sans

entrave d'aucune espèce, dans les ports et villes de Canton, Swatow, Amoy, Foochow, Ningpo, Shanghai, Nanking, Chinkiang, Kiukiang et Hankow, sur le fleuve Yangtze—Chefoo, Tientsin, Niuchuang—Tamsui et Taiwanfoo, dans l'île de Formose, et Kiungchow dans l'île de Haïnan.

ARTICLE XII.

Renting of Land for building Houses, Warehouses, Churches, Hospitals, Schools, and Burial-grounds.

Tout Belge qui, conformément aux stipulations de l'Article précédent, arrivera dans l'un des ports ouverts au commerce étranger, pourra, quelle que soit la durée de son séjour, y louer des maisons et des magasins pour déposer ses marchandises, ou bien affermer des terrains et y bâtir lui-même des maisons et des magasins. Les Belges pourront, de la même manière, établir des églises, des hôpitaux, des hospices, des écoles et des cimetières. Le cas échéant, l'autorité locale, après s'être concertée avec le Consul, désignera les quartiers les plus convenables pour la résidence des Belges et les endroits dans lesquels pourront avoir lieu les constructions précitées.

Le prix des loyers et des fermages sera librement débattu entre les parties intéressées, et réglé, autant que faire se pourra, conformément à la moyenne des prix locaux.

Les autorités Chinoises empêcheront leurs nationaux de surfaire ou d'exiger des prix exorbitants, et le Consul veillera, de son côté, à ce que les Belges n'usent d'aucune contrainte pour forcer le consentement des propriétaires Chinois.

ARTICLE XIII.

Employment of Interpreters, &c., by Belgian Subjects. Freedom to learn Chinese. Sale and Purchase of Books.

[Similar to Germany, **No. 56,** Art. IX.]

ARTICLE XIV.

Property of Belgian Subjects inviolable. Embargo on Belgian Vessels forbidden.

Les propriétés de toute nature appartenant à des Belges dans l'empire Chinois seront considérées par les Chinois comme inviolables et seront toujours respectées par eux. Les autorités Chinoises ne pourront, quoi qu'il arrive, mettre embargo sur les navires Belges, ni les frapper de réquisition pour quelque service public ou privé que ce puisse être.

ARTICLE XV.

Freedom of Christian Religion.

La religion Chrétienne ayant pour objet essentiel de porter les hommes à la vertu, les membres de toutes les communions Chré-

tiennes jouiront d'une entière sécurité pour leurs personnes, leurs propriétés et le libre exercice de leurs pratiques religieuses, et une protection efficace sera donnée aux missionnaires qui se rendront pacifiquement dans l'intérieur du pays, munis des passeports réguliers dont il est parlé dans l'Article X. Aucune entrave ne sera apportée par les autorités de l'Empire Chinois au droit qui est reconnu à tout individu, en Chine, d'embrasser, s'il le veut, le Christianisme et d'en suivre les pratiques sans être passible d'aucune peine infligée pour ce fait.

ARTICLE XVI.

Disputes between Belgians and Chinese. Consular Intervention.

[Same as Great Britain, **No. 6,** Art. XVII.]

ARTICLE XVII.

Protection of Persons and Property of Belgian Subjects.

[Similar to Denmark, **No. 38,** Art. XVIII.]

ARTICLE XVIII.

Belgian and Chinese fraudulent Debtors.

[Similar to Denmark, **No. 38,** Art. XXII.]

ARTICLE XIX.

Administration of Justice in cases of Crimes by Chinese. Belgian Consular Jurisdiction in case of Crimes committed by Belgian Subjects.

Les sujets Chinois qui se rendraient coupables d'une action criminelle envers un Belge seront arrêtés par les autorités Chinoises et punis suivant les lois de la Chine.

Les sujets Belges qui commettraient un crime envers un sujet Chinois seront arrêtés à la diligence du Consul, et celui-ci prendra toutes les mesures nécessaires pour que les prévenus soient livrés à l'action règulière des lois Belges, dans la forme et suivant les dispositions qui seront ultérieurement déterminées par le Gouvernement Belge.

Il en sera de même dans toutes les circonstances non prévues dans la présente Convention, le principe étant que, pour la répression des crimes et délits, commis par eux en Chine, les Belges seront constamment régis par les lois Belges.

Le Gouvernement Chinois veillera de son côté à la répression des crimes et délits commis par des Chinois envers des Belges.

La justice sera rendue équitablement et impartialement de part et d'autre.

ARTICLE XX.

Belgian Jurisdiction over Belgian Subjects. Non-interference of Chinese Authorities between Belgians and Foreigners.

Les Belges en Chine dépendront également, pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux, de la juridiction Belge. En cas de difficultés survenues entre Belges et étrangers, l'autorité Chinoise n'aura point à s'en mêler.

ARTICLE XXI.

Belgian Vessels free to visit Ports open to Trade, but liable to Confiscation if trading with non-open Ports.

Les navires de commerce Belges pourront visiter les ports et villes ouverts au commerce étranger et circuler librement de l'un à l'autre avec leurs marchandises. Mais il leur est défendu de visiter d'autres ports ou de faire un commerce clandestin sur la côte, sous peine de confiscation des navires et des marchandises engagés dans ces opérations. Cette confiscation aura lieu au profit du Gouvernement Chinois qui devra cependant, avant que la saisie et la confiscation soient légalement prononcées, en donner avis au Consul Belge du port le plus voisin.

ARTICLE XXII.

Pilots.

[Same as Great Britain, **No. 6,** Art. XXXV.]

ARTICLE XXIII.

Custom-House Guards.

[Similar to Great Britain, **No. 6,** Art. XXXVI.]

ARTICLE XXIV.

Delivery of Ship's Papers. Penalty for non-delivery within 48 hours. Penalty for breaking Bulk without Permit, and Confiscation of Merchandise landed.

[Same as France, **No. 40,** Art. XVII.]

ARTICLE XXV.

Tonnage Dues. Belgian Vessels not having broken bulk, and leaving within 48 hours, not liable to Duties.

[Same as Great Britain, **No. 6,** Art. XXX.]

ARTICLE XXVI.

Customs Duties only leviable on portion of Cargo landed.

Tout navire Belge entré dans l'un des ports ouverts au commerce étranger, et qui voudra n'y décharger qu'une partie de sa

cargaison, ne payera les droits de Douane que pour la partie débarquée. Il pourra transporter le reste de sa cargaison dans un autre port, l'y vendre et y acquitter les droits.

ARTICLE XXVII.

Trans-shipments.

Aucun transbordement de marchandises ne pourra avoir lieu sans permis spécial du chef de la Douane. Sauf le cas de péril en la demeure, toutes marchandises qui auraient été transbordées sans permission seraient confisquées.

ARTICLE XXVIII.

Permits to land and ship Cargoes. Liability of Contraband Goods to Confiscation.

[Same as Great Britain, **No. 6,** Art. XXXIX.]

ARTICLE XXIX.

Employment of Boats for conveyance of Merchandise, Passengers, &c. Monopoly forbidden. Confiscation of Merchandise for Fraud.

Les capitaines et négociants Belges pourront louer telles espèces d'alléges et d'embarcations qu'il leur plaira pour transporter des marchandises et des passagers, et la rétribution à payer pour ces alléges sera réglée de gré à gré par les parties intéressées, sans l'intervention de l'autorité Chinoise. Le nombre n'en sera pas limité, et le monopole n'en pourra être concédé à qui que ce soit, non plus que celui du transport par portefaix des marchandises à embarquer ou à débarquer. En cas de fraude dans lesdites alléges les marchandises que l'on aura voulu frauder seront passibles de confiscation.

ARTICLE XXX.

Most-favoured-nation Treatment in respect to Imports and Exports. Mode of levying Duties. Reduction of Duty on Damaged Goods.

[§ 1. Same as Great Britain, **No. 6,** Art. XXIV.]

[§ 2. Same as Great Britain, **No. 6,** Art. XLII.]

[§§ 3 and 4. Same as Great Britain, **No. 6,** Art. XLIII.]

[§ 5. Same as Great Britain, **No. 6,** Art. XLIV.]

ARTICLE XXXI.

Payment of Import and Export Duties. Port-clearances.

[Similar to Great Britain, **No. 6,** Arts. XXV and XLI.]

ARTICLE XXXII.

Tonnage Dues. Exemptions.

Tout bâtiment de commerce Belge jaugeant plus de 150 tonneaux payera les droits de tonnage à raison de 4 maces par tonneau, et tout navire jaugeant 150 tonneaux et moins payera à raison d'un mace par tonneau.

Lors du payement du droit précité le chef de la douane délivrera au capitaine ou au consignataire un certificat, sur l'exhibition duquel aux autorités douanières de tout autre port Chinois où il conviendrait au capitaine de se rendre, on ne lui demandera plus de droits de tonnage durant 4 mois, à partir de la date de la quittance générale mentionnée à l'Article XXXI.

Sont exemptes des droits de tonnage les embarcations employées par les Belges au transport des passagers, bagages, lettres, comestibles et de tous objets non sujets aux droits. Si les dites embarcations transportaient, en outre, des marchandises sujettes aux droits, elles resteraient dans la catégorie des navires jaugeant moins de 150 tonneaux et payeraient tous les 4 mois un droit de tonnage d'un mace par tonneau.

ARTICLE XXXIII.

Transit Dues.

Les Belges qui voudront expédier des produits de l'intérieur de la Chine à l'un de ses ports, ou des marchandises d'importation d'un port vers un marché de l'intérieur, auront le choix d'en acquitter les droits de transit par un seul payement perçu de la manière prescrite par le règlement VII du tarif annexé au présent Traité.

Le montant de ce droit unique sera de la moitié des droits fixés par le tarif, à l'exception des marchandises libres à l'entrée et à la sortie, dont le droit de transit s'élèvera à 2½ pour cent *ad valorem*, conformément au règlement II du tarif joint au présent Traité.

Il est particulièrement entendu que le payement des droits de transit n'affectera en rien les droits d'entrée et de sortie du tarif, qui seront perçus en entier et séparément.

ARTICLE XXXIV.

Coasting Trade. Drawback Certificates.

Les navires Belges pourront transporter des produits Chinois de l'un à l'autre des ports ouverts au commerce étranger, en payant au port d'embarquement les droits de sortie fixés par le tarif et à celui de débarquement les droits de cabotage qui seront de la moitié desdits droits de sortie. Si des produits Chinois, après avoir été transportés d'un port à un autre, sont réexportés pour le commerce de cabotage endéans un terme de 12 mois, ils recevront

un certificat de drawback pour les droits de cabotage et ne payeront plus les droits de sortie. Mais ils payeront de nouveau au port de débarquement les droits de cabotage équivalant à la moitié des droits de sortie.

ARTICLE XXXV.

Re-exportation of Duty-paid Goods. Drawback Certificates.

Dans le cas où des négociants Belges, après avoir acquitté dans un port Chinois les droits sur des marchandises importées, voudraient les réexporter, ils en préviendraient le chef de la douane, afin de faire constater par celui-ci l'identité de la marchandise et l'intégrité des colis. Si, en comparant les marchandises avec la déclaration, on découvrait de la fraude, les marchandises passées en fraude seraient passibles de confiscation.

La vérification ayant eu lieu, le négociant Belge en réexportant les marchandises étrangères pour un pays étranger ou pour un port Chinois, recevra du chef de la douane un certificat de drawback équivalant au montant des droits déjà payés sur ces marchandises.

Si des produits Chinois sont réexportés pour un port étranger endéans les 12 mois, le négociant ou le Capitaine Belge aura droit à un certificat de drawback pour les droits de cabotage, payés sur les mêmes produits.

Les certificats de drawback seront reçus par la douane du port qui les a délivrés pour leur valeur entière comme de l'argent comptant en payement de tous droits d'entrée ou de sortie.

Les céréales étrangères apportées par un navire Belge dans un port de la Chine pourront, si aucune partie n'en a été débarquée, être réexportées sans aucune entrave.

ARTICLE XXXVI.

Standard Weights and Measures to be deposited at each Consulate.

[Similar to Great Britain, **No. 6,** Art. XXXIV.]

ARTICLE XXXVII.

Payment of Duties to authorized Money Changers. Payment to be made in Foreign Money or Sycee.

Le chef de la douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir les droits dus pour le compte du Gouvernement. Les récépissés de ces maisons de change seront réputés délivrés par le Gouvernement Chinois. Les payements pourront s'opérer en lingots ou en monnaies étrangères, dont le rapport avec l'argent sycé sera déterminé, suivant les circonstances, de commun accord entre l'Agent Consulaire Belge et le chef de la douane.

ARTICLE XXXVIII.

Seizure of Contraband Goods on board Belgian Vessels. Entrance of Belgian Vessels liable to be Interdicted.

Si, contre toute attente, un navire Belge s'occupait de contrebande, les marchandises, quelles que soient leur valeur et leur nature, seront saisies par les autorités Chinoises, et l'entrée de Chine pourra être interdite au bâtiment qui sera contraint de partir aussitôt après l'apuration de ses comptes.

ARTICLE XXXIX.

Preventions against Smuggling and Fraud.

[Same as Great Britain, **No. 6,** Art. XLVI.]

ARTICLE XL.

Penalties and Confiscations to belong to Chinese Government.

[Same as Great Britain, **No. 6,** Art. XLIX.]

ARTICLE XLI.

Facilities to be granted to Belgian Ships of War. Piracy, &c. Exemption from Duties.

[Same as Great Britain, **No. 6,** Art. LII, with the following addition :]

Et les bâtiments seront exempts de toute espèce d'impôts.

ARTICLE XLII.

Wrecks, &c.

Si un navire de commerce Belge était contraint, par suite d'avaries ou pour d'autres causes, de chercher refuge dans un port, il pourra entrer dans tout port Chinois sans exception, sans être sujet au payement des droits de tonnage. De même, il n'y aura point de droit de douane à acquitter sur les marchandises qu'il aura à bord, pourvu que celles-ci ne soient déchargées qu'à cause de la réparation du navire et qu'elles restent sous la surveillance du chef de la douane. Si un tel navire venait à échouer ou à se perdre, les autorités Chinoises prendraient sur-le-champ des mesures pour le sauvetage de l'équipage et la préservation du navire et de sa cargaison. L'équipage sauvé sera bien traité et, en cas de besoin, pourvu de moyens pour arriver à la station Consulaire la plus proche.

ARTICLE XLIII.

Surrender of Belgian Seamen Deserters, and others. Surrender of Chinese Deserters and Criminals.

[Same as France, **No. 40,** Art. XXXII.]

ARTICLE XLIV.

Pursuit of Pirates. Punishment for Neglect of duty.

[Similar to Great Britain, **No. 6,** Art. XIX, with the following addition :]

Si l'on néglige de s'emparer des coupables ou de recouvrer la totalité des objets volés, les fonctionnaires Chinois subiront la peine infligée par la loi en pareille circonstance ; mais ils ne sauraient être rendus pécuniairement responsables.

ARTICLE XLV.

Most-favoured-nation Treatment conferred on Belgian Subjects and Commerce.

Il est convenu entre les Hautes Parties Contractantes qu'il sera accordé à la Belgique et aux Belges participation pleine et égale à tous les priviléges, immunités et avantages qui ont été accordés ou seront concédés dorénavant par Sa Majesté l'Empereur de la Chine au Gouvernement ou aux sujets d'une autre nation quelconque. En particulier, tous les changements apportés en faveur d'une autre nation quelconque au tarif ou aux dispositions concernant les droits de douane, de tonnage et de port, d'importation, d'exportation et de transit, seront immédiatement applicables au commerce de la Belgique, ainsi qu'à ses négociants, armateurs et Capitaines, par le seul fait de leur mise à exécution et sans qu'il faille un nouveau Traité.

ARTICLE XLVI.

Revision of Treaty after 10 *years, if required.*

Si dorénavant le Gouvernement de Sa Majesté le Roi des Belges jugeait utile d'apporter des modifications à quelques-unes des clauses du présent Traité, il sera libre à cet effet d'ouvrir des négociations après un intervalle de 10 années revolues à partir du jour de l'échange des ratifications, mais il faut que 6 mois avant l'expiration des 10 années il fasse connaître officiellement au Gouvernement de Sa Majesté l'Empereur de la Chine son intention d'apporter des modifications et en quoi elles consisteront. A défaut de cette annonce officielle, le Traité restera en vigueur sans changements pour un nouveau terme de 10 années et ainsi de suite de 10 années en 10 années.

ARTICLE XLVII.

Ratifications.

Les ratifications du présent Traité d'Amitié, de Commerce et de Navigation, respectivement signées par Sa Majesté le Roi des Belges et par Sa Majesté l'Empereur de la Chine, seront échangées à Shanghai dans le délai d'un an ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé leurs sceaux.

Fait en 4 expéditions à Pékin, le 2 Novembre, 1865.

(L.S.) AUGUSTE T'KINT.

(L.S.) TOUNG-SIUN.
(L.S.) CHUNG-HOW.

Le Plénipotentiaire de Belgique et ceux de l'Empire Chinois qui ont signé aujourd'hui un Traité d'Amitié, de Commerce et de Navigation entre les deux pays, sont convenus du Tarif des droits d'entrée et des droits de sortie qui suit, et des règlements commerciaux qui le terminent, comme annexe et complément audit Traité.

En conséquence, ce Tarif et ces Règlements auront la même force et valeur que s'ils étaient insérés mot à mot dans le Traité.

[Here follow the Tariff of Imports and Exports and Commercial Regulations. *See* **No. 7.**]

(No. 35.) *TREATY of Friendship, Commerce, and Navigation, between Brazil and China. Signed at Tientsin, 3rd October,* 1881.

[Signed also in Chinese and Portuguese.]

[Ratifications exchanged at Shanghai, June 3, 1882.]

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

IL y aura paix perpétuelle et amitié constante entre l'Empire du Brésil et l'Empire de Chine, ainsi qu'entre leurs sujets respectifs. Ceux-ci pourront se rendre librement dans les États respectifs des Hautes Parties Contractantes et y résider. Ils y obtiendront pleine et entière protection pour leurs personnes, leurs familles, et leurs propriétés, et jouiront de tous les droits, avantages, et privilèges concédés aux sujets de la nation la plus favorisée.

ARTICLE II.

Appointment of Diplomatic Agents.

Afin de faciliter à l'avenir les relations amicales entre les deux États, Sa Majesté l'Empereur du Brésil pourra, s'il le juge convenable, nommer un Agent Diplomatique près la Cour de Pékin, et Sa Majesté l'Empereur de Chine pourra également, s'il le juge

convenable, nommer un Agent Diplomatique près la Cour de Rio de Janeiro.

Les Agents Diplomatiques de chacune des Hautes Parties Contractantes pourront, avec leurs familles et les personnes de leur suite, résider d'une façon permanente dans la capitale de l'autre, ou s'y rendre temporairement, suivant le désir des Gouvernements respectifs.

Les Agents Diplomatiques de chacune des Hautes Parties Contractantes jouiront dans leurs résidences respectives, de toutes les prérogatives, exemptions, immunités, et privilèges accordés aux Agents de même catégorie de la nation la plus favorisée.

ARTICLE III.

Appointment of Consuls. Their Privileges, &c.

Chacune des Hautes Parties Contractantes pourra nommer dans les ports et villes de l'autre ouverts au commerce où ses intérêts l'exigeront, un Consul-Général, des Consuls, Vice-Consuls, et Agents Consulaires.

Ceux-ci n'entreront pas en fonctions avant de recevoir l'exequatur du Gouvernement du pays où ils devront résider. Cet exequatur sera délivré gratuitement.

Les Consuls ne pourront être choisis parmi les commerçants ; ils devront être de véritables fonctionnaires et il leur sera défendu de faire le commerce.

Dans les ports où il n'aura pas été nommé de Consul, on pourra charger un Consul étranger d'en remplir les fonctions, pourvu que celui-ci ne soit pas un commerçant.

Les autorités locales, à défaut de Consul, aviseront au moyen d'assurer aux sujets des deux États le bénéfice du présent Traité.

Les Consuls des Hautes Parties Contractantes jouiront de toutes les attributions, exemptions, immunités, et privilèges concédés aux Consuls de la nation la plus favorisée dans chacun des deux États.

Les Consuls ne devront pas soutenir les prétentions des commerçants quand elles seront vexatoires ou offensantes pour les autorités et les habitants de la localité.

Si le Consul se conduit d'une façon illégale, l'exequatur pourra lui être retiré, suivant l'usage général.

ARTICLE IV.

Passports.

Il sera permis aux sujets Brésiliens de se rendre dans l'intérieur de la Chine et d'y voyager, pourvu qu'ils soient munis d'un passeport délivré, sur la demande du Consul, par le Tao-t'ai de la Douane. Ce passeport, rédigé dans les deux langues Portugaise et

Chinoise, devra être présenté, sur réquisition des autorités, dans les localités de passage, et sera rendu au retour.

Aucun obstacle ne pourra être mis à la location, par les voyageurs, des hommes, voitures, bateaux, &c., nécessaires au transport de leurs bagages.

Si le voyageur se trouve n'avoir pas de passeport en règle, ou s'il commet quelque acte illégal, il sera livré au Consul le plus proche pour qu'il y pourvoie. Les autorités locales ne pourront, dans ce cas, qu'arrêter le voyageur, et ne devront ni l'insulter ni lui faire subir de mauvais traitements.

Les sujets Brésiliens pourront se rendre en excursion, sans être munis de passeports, jusqu'à une distance de 100 li des ports ouverts et pour un temps ne dépassant pas cinq jours.

Les stipulations ci-dessus ne sont pas applicables aux équipages des navires, qui seront soumis, à terre, aux règlements établis, de concert, par les Consuls et les autorités locales.

Right of Chinese to travel in Brazil.

Les sujets Chinois auront la liberté de voyager dans tout le territoire du Brésil, tant qu'ils s'y conduiront paisiblement et ne contreviendront pas aux lois et règlements du pays.

ARTICLE V.

Mutual Right of Subjects of either Country to Visit and Trade in Territories of the other.

Les sujets Brésiliens pourront aller et venir, faire le commerce et faire circuler leurs marchandises dans tous les ports et endroits de la Chine où il est permis aux sujets de toutes les autres nations de commercer.

Les sujets Chinois pourront également aller et venir et faire le commerce dans toutes les localités du Brésil, à l'égal des sujets de toutes les autres nations.

Il est entendu que si, par le suite, une des Hautes Parties Contractantes accorde, de son libre consentement, à une autre nation quelconque des avantages soumis à des conditions spéciales, l'autre Partie Contractante ne pourra profiter de ces avantages qu'en accédant à ces mêmes conditions ou à d'autres équivalentes stipulées d'un commun accord.

ARTICLE VI.

Commercial Regulations.

Les sujets et navires marchands de l'une des deux Hautes Parties Contractantes, dans les ports ouverts de l'autre, seront soumis aux règlements commerciaux actuellement en vigueur pour toutes les autres nations, ou qui pourront l'être à l'avenir.

Import and Export Duties. Most-favoured-nation Treatment.

Les sujets des deux États ne paieront pas de droits d'importation ou d'exportation plus élevés que ceux qui seront payés par les sujets de la nation la plus favorisée.

ARTICLE VII.

Ships of War.

Les navires de guerre de chacun des deux États seront admis dans les ports de l'autre où il est ou sera permis aux navires de guerre des autres nations de se rendre, et ils y seront traités comme ceux de la nation la plus favorisée.

Ils jouiront de toute facilité pour leurs achats de vivres, de charbon, &c., ainsi que pour leurs approvisionnements d'eau fraîche et pour les réparations dont ils auront besoin.

Ces navires n'auront à payer aucune espèce de droits, soit à l'entrée, soit à la sortie des ports.

Les Commandants des navires Brésiliens en Chine et les autorités locales se traiteront sur le pied d'égalité.

ARTICLE VIII.

Ships and Cargoes. Most-favoured-nation Treatment.

Les navires marchands de chacune des deux nations pourront fréquenter les ports d'autre ouverts au commerce, ou qui pourront l'être, et y transporter des marchandises. Ils y seront traités, sous tous les rapports, comme ceux de toutes les autres nations.

Vessels driven into Port by stress of Weather.

Les navires de l'une des Hautes Parties Contractantes, ayant eu des accidents en mer, près des côtes de l'autre, et obligés de chercher refuge dans un port quelconque, devront recevoir des autorités locales toute l'assistance qu'elles pourront leur donner.

Les marchandises sauvés ne seront soumises à aucun droit, à moins d'être mises en vente.

Ces navires seront traités à l'égal de ceux de toutes les autres nations qui se trouveront dans les mêmes circonstances.

ARTICLE IX.

Disputes between Brazilians and Chinese. Consular Intervention.

Les Brésiliens en Chine qui auront quelque sujet de plainte contre des Chinois devront exposer leurs griefs au Consul Brésilien, qui, après s'être rendu compte de l'affaire, s'efforcera de l'arranger à l'amiable.

De même, si des Chinois ont quelque sujet de plainte contre des Brésiliens en Chine, le Consul Brésilien devra les écouter et s'efforcer d'arriver à un arrangement amiable.

Si le Consul ne peut les concilier, le différend devra être jugé, en toute équité, uniquement par l'autorité dont dépendra l'accusé, sans considérer si l'accusateur est Brésilien ou Chinois.

ARTICLE X.

Consular Jurisdiction. Criminal Cases.

Les sujets Brésiliens en Chine qui commettront quelque crime contre des sujets Chinois seront arrêtés par les autorités Consulaires du Brésil et punis, conformément aux lois du Brésil, par les autorités que ces lois détermineront.

Le sujets Chinois coupables d'un acte criminel envers des sujets Brésiliens en Chine seront arrêtés et punis par les autorités Chinoises, conformément aux lois Chinoises.

En général, tout procès, civil ou criminel, entre sujets des deux États en Chine ne pourra être jugé que conformément aux lois et par les autorités de la nation du défendeur ou accusé.

Les Hautes Parties Contractantes ne seront pas tenues au remboursement des sommes volées ou dues par un sujet de l'un des deux États à un sujet de l'autre. Dans les cas de vols on procédera de conformité avec les lois du pays auquel appartiendra le coupable, et dans les cas de dettes les autorités du pays du débiteur feront tout ce qui sera en leur pouvoir pour que le débiteur satisfasse à ses engagements.

Si des sujets Chinois en Chine, coupable personnellement ou complices de quelque crime, se réfugient dans les résidences, les magasins, ou les navires du commerce des sujets Brésiliens, les autorités Chinoises en informeront officiellement le Consul, et enverront des Agents Chinois pour procéder à l'arrestation, de concert avec les Agents Brésiliens. On ne pourra ni les recéler ni les protéger.

ARTICLE XI.

Consular Jurisdiction. Disputes with regard to Persons and Property.

Toutes les contestations de droits, soit de personne, soit de propriété, qui pourront s'élever entre des sujets Brésiliens en Chine, relèveront de la juridiction des autorités Brésiliennes. Les procès entre des sujets Brésiliens et des étrangers en Chine relèveront uniquement des autorités de leurs pays.

Si quelque Chinois se trouve mêlé à ces procès, on devra agir conformément aux deux Articles précédents.

Si, dans la suite, le Gouvernement Chinois juge convenable d'établir, d'accord avec les Puissances étrangères, un code unique pour régler la matière de juridiction des sujets étrangers en Chine le Brésil devra aussi prendre part à cet accord.

ARTICLE XII.

Trouble occasioned by Sailors and others on Shore.

Dans les cas où des gens, quelle que soit leur condition, du bord des navires de l'une des Hautes Parties Contractantes, dans un port ouvert de l'autre, descendant à terre, y causeraient du trouble, ils seraient punis conformément aux usages suivis, en pareil cas, dans chacun des deux pays.

Collisions in China Waters.

Quant aux procès pour cause d'abordages entre des bâtiments des deux pays, dans les eaux de la Chine, ils seront jugés par les autorités du défendeur, conformément aux règlements en vigueur sur les abordages des navires dans tous les pays.

Si le demandeur ne se conforme pas à la sentence, les autorités dont il dépendra pourront s'adresser officiellement aux autorités dont dépendra le défendeur, pour qu'elles recommencent le procès et prononcent définitivement, en toute équité.

ARTICLE XIII.

Access to Courts of Justice.

Les sujets Chinois au Brésil auront libre accès aux Cours de Justice du pays, pour la défense de leurs justes droits. Ils jouiront, sous ce rapport, des mêmes droits et privilèges que les Brésiliens et les sujets de la nation la plus favorisée.

ARTICLE XIV.

Opium Trade.

Les Hautes Parties Contractantes sont convenues d'interdire aux sujets de chacune d'elles l'importation de l'opium dans les ports de l'autre ouverts au commerce, et le transport de l'opium d'un port à l'autre de l'autre pays, soit pour le propre compte, soit pour le compte de sujets ou citoyens de toute autre nation, aussi bien dans des navires appartenant aux sujets des deux Hautes Parties Contractantes que dans les navires appartenant à des sujets ou citoyens d'une tierce nation.

Il ne sera pas permis non plus aux sujets de l'une des Hautes Parties Contractantes de se livrer au commerce de l'opium, dans les ports de l'autre ouverts au commerce.

La clause de la nation la plus favorisée ne pourra être invoquée contre les dispositions de cet Article.

ARTICLE XV.

Language of Treaty. French Text to be Authoritative.

Le présent Traité a été rédigé dans les trois langues—Portugaise, Chinoise, et Française. Quatre exemplaires en ont été préparés

dans chacune de ces langues, les traductions ayant été comparées, trouvées de tout point concordantes et dépourvues de toute erreur.

Le texte Portugais fera foi au Brésil et le texte Chinois en Chine. En cas de divergence dans l'interprétation, le texte Française décidera.

ARTICLE XVI.

Notification of proposed Treaty Modifications.

Si, par la suite, les Hautes Parties Contractantes désirent apporter quelques modifications aux stipulations de ce Traité, elles auront la liberté, après un laps de temps de dix années, à dater du jour de l'échange des ratifications, d'ouvrir des négociations dans ce but.

La notification officielle des modifications qu'on désirera proposer sera toujours faite six mois à l'avance.

Si pareille notification n'est point faite, le Traité restera en vigueur.

ARTICLE XVII.

Ratifications.

Le présent Traité sera ratifié par Sa Majesté l'Empereur du Brésil et par Sa Majesté l'Empereur de Chine.

L'échange des ratifications se fera, dans le plus court délai possible, à Chang-haï ou à Tien-tsin ; après quoi, le Traité sera imprimé et publié pour que les fonctionnaires et sujets des deux Empires en aient pleine connaissance et s'y soumettent.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé leurs cachets.

Fait à Tien-tsin, le 3^{e} jour du mois d'Octobre, de l'an de grâce 1881, correspondant au 11^{e} jour de la 8^{e} lune de la 7^{e} année Kouang-siu.

(L.S.) EDUARDO CALLADO.
(L.S.) Signature du Plénipotentiaire Chinois.

(No. 36.) *TREATY between China and the Congo Free State, conferring Mutual Most-favoured-nation Treatment. Signed at Peking, 10th July,* 1898.

(Translation.)

CONCERNING the Treaty of Amity and Commerce between the Chinese Emperor and the Congo Free State, it is proposed that in accordance with the powers received, which are in form, a special Article shall be agreed upon mutually and promulgated without delay.

ART. I. All privileges of person, property, and jurisdiction enjoyed by foreign nations under the Treaties concluded by China shall from henceforth be granted to the Congo Free State.

II. It is agreed that Chinese subjects may at their pleasure proceed to the territory of the Congo Free State, and there sojourn or reside, and that they may buy and sell, retain possession or change ownership of, all species of property, movable or immovable. As regards trade, navigation, and industry, Chinese subjects shall have most-favoured-nation treatment.

In witness whereof the High Officers of both States have hereunto affixed their signatures and seals.

Peking, July 10, 1898.

(L.S.) LI HUNG CHANG.
(L.S.) COMTE D'URSEL.

(No. 37.) *TREATY of Amity and Commerce between Corea and China. Signed at Seoul, 11th September*, 1899.*

[Signed in Chinese.]

[Ratifications exchanged at Seoul, December 14, 1899.]

(Translation.)

HIS Majesty the Emperor of Corea and His Majesty the Emperor of China, being sincerely desirous of establishing permanent relations of harmony and friendship between their respective subjects, have resolved to conclude a Treaty for that purpose, and have, therefore, named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of Corea, Pak Chei-sun, Corean Minister of Foreign Affairs, Minister of the Council of State, &c., His Majesty's Minister Plenipotentiary;

His Majesty the Emperor of China, Hsü Ta-jen, His Majesty's Minister Plenipotentiary;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Commercial Treaty:—

ARTICLE I.

Peace and Friendship. Protection of Subjects.

There shall be perpetual peace and friendship between the Empire of Corea and the Empire of China, and between their respective subjects, who shall enjoy equally in the respective countries of the High Contracting Parties full protection and the advantages of favourable treatment.

* By Article II of the Convention between Japan and Corea of 17th November, 1905, "The Government of Japan undertake to see to the execution of the Treaties actually existing between Corea and other Powers."

Good Offices in case of Oppression by other Powers.

If other Powers should deal unjustly or oppressively with either Government, the other, on being informed of the case, will exert their good offices to bring about an amicable arrangement.

ARTICLE II.

Appointment of Diplomatic Representatives and Consuls.

After the conclusion of this Treaty of Amity and Commerce the High Contracting Powers may each appoint Diplomatic Representatives to reside at the Court of the other, and may each appoint Consular Representatives at the ports of the other which are open to foreign commerce at their own convenience. These officials shall have relations with the corresponding local authorities of equal rank upon a basis of mutual equality.

The Diplomatic and Consular Representatives of the two Governments shall enjoy mutually all the privileges, rights, and immunities, without discrimination, which are accorded to the same class of Representatives from the most favoured nation.

Exequaturs.

Consuls shall exercise their functions only on receipt of an exequatur from the Government to which they are accredited.

No Restrictions on Movements of Officials or Couriers.

No restrictions or difficulties shall be imposed upon the movements of the members of the official establishments of either country, or upon messengers carrying official despatches.

Consuls to be Non-traders.

Consular authorities shall be *bonâ fide* officials. No merchants shall be allowed to exercise the duties of the office, nor shall Consular officers be allowed to engage in trade.

At ports to which no Consular Representatives have been appointed, the Consuls of the other Powers may be invited to act, provided that no merchant shall be allowed to assume Consular functions.

Consuls may be Withdrawn.

If the Consular Representatives of either country conduct their business in an improper manner, they shall be withdrawn on notice being given to the Diplomatic Representative of the country concerned.

ARTICLE III.

Import and Export Duties, Tonnage Dues, &c. Most-favoured-nation Treatment.

Merchants and merchant-vessels of Corea visiting Chinese Treaty Ports for purposes of trade shall pay import and export

duties, and tonnage dues, and all other charges according to the Chinese Customs Regulations, and on the same terms as the similar duties levied on the subjects of the most favoured nation.

Chinese merchants and merchant-vessels visiting Corean Treaty Ports for purposes of trade shall pay import and export duties, and tonnage dues, and all other charges according to the Corean Customs Regulations, and upon the same terms as the duties levied upon the subjects of the most favoured nation.

Access to Open Ports.

The subjects of both Powers shall be allowed to resort for purposes of trade to all the open ports in the dominion of the other.

Trade Regulations and Customs Tariff.

Regulations for the conduct of trade and the Customs Tariff shall be those enjoyed by the most favoured nation.

ARTICLE IV.

Settlements at the Open Ports.

1. Subjects of Corea who may proceed to the Chinese open ports may reside and rent premises, or lease land, and erect warehouses as they please, within the limits of the Settlements. They shall be at liberty to traffic in all kinds of native produce, in all manufactured goods, and in all articles that are not declared contraband.

Subjects of China who may proceed to the Corean open ports may reside and rent premises, or lease land, and erect warehouses, as they please, within the limits of the Settlements. They shall be at liberty to traffic in all kinds of native produce, in all manufactured goods, and in all articles that are not declared contraband.

All questions affecting the renting of land, the building of houses, the laying out of cemeteries, the payment of rent and taxes, and all other matters of a similar nature, at the Treaty Ports of either country are to be determined in accordance with the Settlement and Municipal Council Regulations of the ports, which must not be infringed.

Settlements under the Separate Control of a Foreign Power.

2. If there is, in addition to a general foreign Settlement, at a Treaty Port in either country, a Settlement under the separate control of a foreign Power, questions affecting the renting of land or houses, and similar matters, shall be governed by the Regulations of that Settlement, which must not be infringed.

Leasing or Purchase of Land or Houses beyond the Limits of the Foreign Settlements.

3. Chinese subjects shall enjoy all benefits and advantages granted to foreigners with reference to the leasing or purchase of

land or houses beyond the limits of the foreign Settlements at the Treaty Ports of Corea. But all land so occupied shall be subject to such conditions as to the observance of Corean Local Regulations and payment of land tax as the Corean authorities may see fit to impose.

Corean subjects shall enjoy all benefits and advantages granted to foreigners with reference to the leasing or purchase of land or houses beyond the limits of the foreign Settlements at the Treaty Ports of China. But all land so occupied shall be subject to such conditions as to the observance of Chinese Local Regulations and the payment of land tax as the Chinese authorities may see fit to impose.

Penalty for Renting Land or Houses, or Opening Warehouses beyond the Limits of the Area open to Foreign Trade.

4. The subjects of neither country shall be permitted to rent land or houses, or open warehouses, beyond the limits of the area open to foreign trade at the Treaty Ports of the High Contracting Parties. The penalty for a breach of this stipulation shall be the confiscation of the land, houses, or warehouses, and a fine of twice their original value.

Acquisition or Lease of Land.

5. No coercion or intimidation in the acquisition or lease of land shall be permitted, and the land so occupied shall remain an integral part of the State.

Duties, &c., on Goods from one Treaty Port to another. Most-favoured-nation Treatment.

6. If merchandise is sent by the subjects of one of the High Contracting Parties from one Treaty Port in the other country to another Treaty Port in the same country, it shall be subject to the same dues and duties, prohibitions and regulations, as obtain in the case of the subjects of the most favoured nation.

ARTICLE V.

Chinese Offenders in Corea, and Corean Offenders in China.

1. A Chinese subject who commits any offence in Corea shall be tried and punished by the Chinese Consular officials according to the laws of China.

A Corean subject who commits any offence in China shall be tried and punished by the Corean Consular officials according to the laws of Corea.

Offences by Chinese against Coreans in China, and by Coreans against Chinese in Corea.

A Chinese subject who commits any offence against the life or property of a Corean in China shall be tried and punished by the Chinese authorities according to the laws of China.

A Corean subject who commits any offence against the life and property of a Chinese in Corea shall be tried and punished by the Corean authorities according to the laws of Corea.

Controversies to be decided by Official of Defendant's Nationality.

When controversies arise between the subjects of the two countries, they shall be decided by the proper official of the nationality of the defendant according to the laws of that country.

Official of Plaintiff's Nationality may attend Trial.

The properly authorized official of the plaintiff's nationality shall be permitted to attend the trial and watch the proceedings, and shall be treated with the courtesy due to his position. If he so desires, he shall have the right to call and examine witnesses, and if he is dissatisfied with the proceedings he shall be permitted to protest against them in detail.

Offenders to be given up.

2. If the subject of one of the High Contracting Parties who has committed an offence against the laws of his country takes refuge on the premises or on board a ship owned by a subject of the other, the local officials, after having notified the Consular authorities, shall send police to assist in having the offender arrested and brought to justice. The authorities of the nationality of the offender shall try the case. No concealment or protection of any such person shall be permitted.

Extradition of Fugitive Offenders.

3. If a subject of one of the High Contracting Parties who has committed an offence against the laws of his country takes refuge in the dominions of the other, the authorities of the latter country, on receiving an application, shall discover and hand over such person to his country for trial. No concealment or protection of such person shall be permitted.

Extra-territorial Jurisdiction.

4. When in the judgment of either of the High Contracting Parties, the laws and legal procedure of the other shall have been so far modified and reformed as to remove the present existing objections, the right of extra-territorial jurisdiction shall be relinquished.

ARTICLE VI.

Prohibition of Export of Rice and Grain from Corea in case of Famine.

In China the export of rice and grain to foreign countries has always been prohibited. There is no prohibition of this kind in Corea, but it is agreed that whenever there is reason to apprehend a scarcity of food within the limits of the Empire, a prohibition against the export of rice and grain may be enforced, and shall be binding

upon Chinese subjects, when it shall have been officially communicated by the Corean local authorities to the Chinese authorities concerned.

ARTICLE VII.

Corean and Chinese fraudulent Debtors.

If the subjects of either of the High Contracting Parties in their commercial dealings with each other are guilty of fraud or make fictitious sales, or do not pay their debts, the authorities of both Powers shall use stringent measures to arrest the offenders and obtain payment of the debts.

The Governments of the High Contracting Parties shall not be responsible for debts of this nature.

ARTICLE VIII.

Passports for Chinese in Corea.

Chinese subjects shall have the right to travel under passports in the interior of Corea for purposes of pleasure or trade.

Chinese may not Reside in Interior of Corea.

They are, however, forbidden to reside or to open establishments for trade there. The penalties for a breach of this stipulation shall be the confiscation of the goods and a fine of twice their original value.

Right of Coreans to Travel in Interior of China.

Corean subjects shall have the right to travel under passports in the interior of China for purposes of pleasure or trade, and shall receive most-favoured-nation treatment in this respect.

ARTICLE IX.

Arms and Ammunition.

1. The purchase of arms, munitions, and implements of war, as ordnance or cannon, shot and shell, fire-arms of all kinds, cartridges, side-arms, spears or spikes, saltpetre, gunpowder, gun-cotton, dynamite, and other explosive substances, is permitted only to the officials of the two Contracting Powers, and they may be imported by the subjects of either only under a written permit issued by the officials of the country into which they are imported.

If these articles are clandestinely imported or sold they shall be confiscated, and the offending party fined twice their original value.

Import of Opium into Corea prohibited.

2. The import of opium into Corea is prohibited, and if either foreign or Chinese-grown opium is imported by Chinese subjects, it shall be confiscated, and the offending party fined twice its original value.

Export of Red Ginseng from Corea Prohibited.

3. The export of red ginseng from Corea has always been prohibited. If Chinese subjects clandestinely buy and export it without the special permission of the Corean Government, it shall be seized and confiscated, and the offenders punished and fined as circumstances may require.

ARTICLE X.

Assistance to Vessels in Distress.

Whenever vessels of either of the two Contracting States are detained on the coast of the other through stress of weather or want of fuel or provisions, they may enter any port or harbour either to take refuge therein or to get supplies or to make repairs, the expenses incurred thereby being defrayed by the ship's master. In such event, the officers and people of the locality shall render all the assistance in their power, and furnish the necessaries required.

Vessels trading with non-open Ports to be Confiscated.

If a vessel trades clandestinely at a port not open to commerce or at any place where she is forbidden to proceed, the vessel, with her cargo, whether any trade has actually taken place or not, shall be seized and confiscated by the local authorities and the nearest Customs officials, and the offenders shall incur a fine of twice their original value.

Wrecks.

Should a vessel of either Power be wrecked on the coast of the other, the local authorities, on being informed of the occurrence, shall immediately render assistance to the crew, provide for their immediate necessities, and take requisite measures for the salvage of the ship and the preservation of her cargo. They shall also bring the matter to the knowledge of the nearest Consular Representative in order that steps may be taken to send the crew home and to save the ship and her cargo. The necessary expenses shall be defrayed either by the ship's master or by the authorities of the nationality of the vessel concerned.

ARTICLE XI.

Employment of Natives.

The officers and people of either Power residing at trading places in the dominions of the other shall have the right to employ natives in any lawful capacity.

ARTICLE XII.

Frontier Trade Tariff and Rules to be drawn up.

After the present Treaty has been concluded a Tariff and Rules shall be drawn up to regulate the frontier trade, which has hitherto been carried on between the two Empires.

Migration across the Frontier.

All persons who have already crossed the frontier and reclaimed ground shall be allowed to pursue their avocations in peace and enjoy protection for their lives and property. From this time forward migration across the frontier shall be prohibited on both sides in order to avoid complications.

Site for Trade Mart.

The question of the determination of the site of a trade mart is reserved for discussion and settlement when the frontier rules come to be drawn up.

ARTICLE XIII.

Facilities for Ships of War. Exemption from Duties.

The ships of war of each country shall be at liberty to visit all the ports of the other whether open to foreign trade or not. They shall not be permitted to clandestinely import merchandise.

Supplies of all kinds for ships of war of either country shall not be liable to the payment of duties.

Officers and men of the ships of war of either country may land anywhere in the territories of the other, but shall not proceed into the interior unless they are provided with passports.

If articles used on board ship are for any reason sold, the purchaser shall pay the proper duty.

ARTICLE XIV.

Ratifications.

The present Treaty shall be ratified by His Majesty the Emperor of Corea and His Majesty the Emperor of China under their hands and seals, and the ratifications shall be exchanged at Seoul within one year at the latest from the date of signature, and immediately thereafter this Treaty shall be in all its provisions publicly proclaimed and made known by both Governments in their respective countries in order that it may be obeyed by their subjects respectively.

ARTICLE XV.

Chinese to be used in Official Correspondence.

The Chinese written character being common to both Corea and China, this Treaty, and future official correspondence shall be made in Chinese for the sake of clearness.

(Signatures and Seals of Chinese and Corean Plenipotentiaries.)

(No. 38.) *TREATY of Friendship, Commerce, and Navigation, between Denmark and China. Signed at Tientsin, 13th July, 1863.**

[Signed also in Chinese.]

[Ratifications exchanged at Shanghai, July 29, 1864.]

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

There shall be, as there has always been, peace and friendship between His Majesty the King of Denmark and His Majesty the Emperor of China; and their respective subjects shall equally enjoy, in the dominions of the High Contracting Parties, full and entire protection for their persons and property.

ARTICLE II.

Appointment of Diplomatic Agents.

[Similar to Great Britain, **No. 6**, Art. II.]

ARTICLE III.

Visits of Danish Diplomatic Agent to Peking. Privileges and Immunities.

His Majesty the Emperor of China hereby agrees that the Diplomatic Agent, so appointed by His Majesty the King of Denmark, may visit Peking as often as necessary for the transaction of important business.

His Majesty's representative shall enjoy all the privileges and immunities which belong to his office under the law of nations; he shall be at liberty to choose his own servants and attendants, who shall not be subjected to any kind of molestation whatever.

Any person guilty of disrespect or violence to His Majesty's representative, or to any member of his family or establishment, in deed or word, shall be severely punished by the Chinese authorities.

ARTICLE IV.

Rights and Privileges of Danish Representative. Receipt and Transmission of Correspondence. Privileges to Couriers. Expenses of Mission to be borne by Danish Government.

[Same as Great Britain, **No. 6**, Art. IV.]

* "State Papers." Vol. 61. Page 171.

ARTICLE V.

Transaction of business between Danish Representative and Chinese Ministers.

It is agreed that the representative of His Majesty the King of Denmark shall transact all business with Ministers of His Majesty the Emperor of China, whether personally or in writing, on terms of perfect equality.

ARTICLE VI.

Privileges of Chinese Diplomatic Agents in Denmark.

[Same as Great Britain, **No. 6,** Art. VI.]

ARTICLE VII.

Appointment of Consuls. Consular Duties may be performed by Consul of a friendly Power.

[Same as Great Britain, **No. 6,** Art. VII, with following addition:]

The Danish Government may, whenever it does not deem it necessary to appoint a Consul at an open port, entrust the Consul of a friendly power with the duties of Danish Consul at that port.

ARTICLE VIII.

Religious Toleration

Danish subjects who profess or teach the Christian religion shall be entitled to the protection of the Chinese authorities; nor shall any such persons, peaceably pursuing their calling, and not offending against the law, be persecuted or interfered with.

ARTICLE IX.

Passports.

[Same as Great Britain, **No. 6,** Art. IX.]

ARTICLE X.

Correspondence between Danish and Chinese Authorities; and between Danish Subjects and Chinese Officials.

The form of correspondence between the Danish and Chinese authorities will be regulated by their respective rank and position, based upon complete reciprocity. Between the authorities of both nations being of equal rank, such correspondence will take the form of despatch or communication (照會 chao-hui).

Consuls, or other authorities of Denmark inferior to Consuls, will, in addressing the heads of Provincial Governments, employ the form of exposition (申陳 shên-ch'ên), and the latter in addressing the former will employ the form of declaration (劄行 chá-hsing).

Merchants, and all other subjects of either nation, not invested

with an official character, will adopt, in addressing the authorities of the other nation, the form of representation (稟 ping).

ARTICLE XI.

Ports open to Danish Merchant Vessels. Freedom of Trade in open Ports; Right to build or rent Houses, lease Lands, and build Churches, Hospitals, and Cemeteries.

It is agreed that Danish merchant-vessels may frequent all the following ports, namely: Canton, Swatow, Amoy, Foochow, Ningpo, Shanghai,—Nanking, Chinkiang, Kiukiang, and Hankow, on the River Yang-tsze,—Chefoo, Tientsin, Newchwang,—Tamsui, and Taiwanfu, on the Island of Formosa, and Kiungchow on the island of Hainan.

Danish subjects are permitted to carry on trade at those ports with whomsoever they please, and to proceed to and fro at their pleasure with their vessels and merchandise; to build or rent houses, lease land therein, and to build churches, hospitals, and cemeteries.

ARTICLE XII.

Renting of Land for building Houses, Churches, Hospitals, Burial-grounds, &c.

[Same as Great Britain, **No. 6,** Art. XII.]

ARTICLE XIII.

Employment of Chinese by Danish Subjects.

[Same as Great Britain, **No. 6,** Art. XIII.]

ARTICLE XIV.

Hire of Boats by Danish Subjects. No Monopoly. Smuggling.

[Same as Great Britain, **No. 6,** Art. XIV.]

ARTICLE XV.

Jurisdiction of Danish Authorities over Danish Subjects in China. Jurisdiction in Disputes between Danish and Foreign Subjects. Jurisdiction in cases in which Chinese Subjects are parties.

All questions in regard to rights, whether of property or persons, arising between Danish subjects, shall be subject to the jurisdiction of the Danish authorities; and all controversies, occurring in China between subjects of Denmark and the subjects of any other foreign Powers, shall be regulated by the Treaties existing between Denmark and such Powers, respectively, without interference on the part of China. But if, in such controversies, Chinese subjects be parties involved, the Chinese authority shall be assessor in all proceedings, as in the cases provided for by Articles XVI and XVII of this Treaty.

ARTICLE XVI.

Chinese Criminals to be punished by Chinese Authorities, and Danish by Danish Authorities.

Chinese subjects who may be guilty of any criminal act towards Danish subjects, shall be arrested and punished by the Chinese authorities, according to the laws of China.

Danish subjects who may be guilty of any criminal act towards Chinese subjects, shall be arrested and punished by the Danish authorities, according to the laws of their country, and in the form and manner to be hereafter prescribed by the Danish Government.

The Chinese Government will on its part similarly control Chinese subjects.

Justice shall be equitably and impartially administered on both sides.

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Disputes between Danes and Chinese. Consular Intervention.

[Same as Great Britain, **No. 6**, Art. XVII.]

ARTICLE XVIII.

Protection of Danish Subjects and Property. Punishment for Neglect.

[Same as Great Britain, **No. 6**, Art. XVIII, with following addition :]

But if the authority whose charge it is shall fail to arrest those guilty of the above acts, all that can be required by the Chinese Government is that it shall punish the said authority according to the laws of China.

ARTICLE XIX.

Prevention of Piracy. Punishment for neglect of duty.

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But if the authority whose charge it is shall fail to seize the guilty parties and recover the stolen property, all that can be required of the Chinese Government is that it shall punish the said authority according to the laws of China ; it is not to indemnify the persons robbed.

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[Same as Great Britain, **No. 6**, Art. XX.]

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Surrender of Chinese Criminals.

[Same as Great Britain, **No. 6**, Art. XXI, § 2.]

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Chinese and Danish fraudulent Debtors.

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But on neither side is Government to indemnify the creditor.

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[Same as Great Britain, **No. 6,** Art. XXIV.]

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The amount of that single charge shall be one-half of the tariff-duties, except in the case of the duty-free goods, liable to a transit duty of 2½ per cent. *ad valorem*, as provided by Rule 2 of the Commercial Articles appended to this Treaty.

It is distinctly understood that the payment of transit-dues, by commutation or otherwise, shall in no way affect the tariff-duties on imports or exports, which will continue to be levied separately and in full.

ARTICLE XXVIII.

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[Same as Great Britain, **No. 6,** Art. XXIX, with the following addition to § 1 :]

In the calculation of tonnage-dues, one Danish last shall be held to be equal to two tons.

ARTICLE XXIX.

Tonnage Dues. Exemption from Payment in certain Cases.

[Same as Great Britain, **No. 6,** Art. XXX.]

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Exemption of certain Danish Boats from Tonnage Dues.

[Same as Great Britain, **No. 6,** Art. XXXI.]

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[Same as Great Britain, **No. 6,** Art. XXXII.]

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Duties shall be paid to the bankers authorized by the Chinese Government to receive the same on its behalf, in sycee or in foreign money, the latter being received from Danish merchants at the same rate of exchange as from other merchants, and in no case at another or a higher rate.

ARTICLE XXXIII.

Standard Weights and Measures to be delivered to Consuls.

Sets of standard weights and measures prepared according to the standard issued to the Canton Custom-House by the Board of Revenue, shall be delivered by the Superintendent of Customs to the Consul at each port. To secure uniformity and prevent confusion, it is distinctly understood, that the equivalent of the above weights and measures is that laid down in Rule 4 of the Commercial Articles appended to this Treaty.

ARTICLE XXXIV.

Pilots.

[Same as Great Britain, **No. 6,** Art. XXXV.]

ARTICLE XXXV.

Custom-House Guards.

[Same as Great Britain, **No. 6, Art. XXXVI.]**

ARTICLE XXXVI.

Delivery of Ships' Papers to Danish Consul. Penalties for Neglect and giving False Manifest.

[Same as Great Britain, **No. 6,** Art. XXXVII.]

ARTICLE XXXVII.

Permit to open Hatches and Discharge Goods.

[Same as Great Britain, **No. 6,** Art. XXXVIII.]

ARTICLE XXXVIII.

Permits to Land and Ship Cargoes.

[Same as Great Britain, **No. 6,** Art. XXXIX.]

ARTICLE XXXIX.

Trans-shipment of Goods.

[Same as Great Britain, **No. 6,** Art. XL.]

ARTICLE XL.

Port-clearances.

When all dues and duties shall have been paid, the Superintendent of Customs shall give a port clearance.

ARTICLE XLI.

Mode of Levying ad valorem *Duties.*

[Same as Great Britain, **No. 6,** Art. XLII.]

ARTICLE XLII.

Mode of Levying Duties on Goods.

[Same as Great Britain, **No. 6,** Art. XLIII.]

ARTICLE XLIII.

Reduction of Duty on Damaged Goods.

[Same as Great Britain, **No. 6,** Art. XLIV.]

ARTICLE XLIV.

Coasting Trade. Drawback Certificates.

Chinese produce may be carried coastwise in Danish vessels from one port to another on paying tariff duty at the port of shipment, and coast-trade duty (the amount of which shall be one-half of the tariff duty) at the port of discharge. Chinese produce brought in from another port, if re-exported coastwise within 12 months, will be entitled to a drawback certificate for the half-

duty paid, and no export duty will be charged on shipment; but the half-tariff duty or coast-trade duty will again be charged at the port of discharge.

ARTICLE XLV.

Re-exportation of Goods. Drawbacks. Foreign Grain.

Danish merchants who may have imported merchandise into any of the open ports, and paid the duty thereon, if they desire to re-export the same, shall be entitled to make application to the Superintendent of Customs for permission to do so, who, in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods, as entered in the Custom-House books, correspond with the representation made, and that the goods remain with their original marks unchanged. If, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to confiscation by the Chinese Government. Having complied with these conditions, the Danish merchant shall, on re-exporting foreign merchandise to a foreign country, or to another Chinese port, be entitled to a drawback certificate for the amount of import duty paid thereon. On re-exporting Chinese produce within 12 months to a foreign country, the Danish merchant shall be entitled to a drawback certificate for the coast-trade duty paid thereon.

Drawback certificates shall be valid tenders to the Customs in payment of import or export duties at the port at which they have been issued.

Foreign grain brought into any port of China in a Danish ship, if no part thereof has been landed, may be re-exported without hindrance.

ARTICLE XLVI.

Prevention of Fraud and Smuggling.

[Same as Great Britain, **No. 6,** Art. XLVI.]

ARTICLE XLVII.

Intercourse with non-open Ports forbidden. Vessel and Cargo liable to Confiscation.

[Same as Great Britain, **No. 6,** Art. XLVII.]

ARTICLE XLVIII.

Smuggling. Confiscation of Cargo.

[Same as Great Britain, **No. 6,** Art. XLVIII.]

ARTICLE XLIX.

Penalties and Confiscations to belong to Chinese Government.

[Same as Great Britain, **No. 6,** Art. XLIX.]

ARTICLE L.

Official Correspondence to be in English and Chinese. Language of Treaty. English Text to be Authoritative.

All official communications addressed by Diplomatic and Consular agents of His Majesty the King to the Chinese authorities shall be written in English. They will, for the present, be accompanied by a Chinese version; but it is understood that in the event of there being any difference of meaning between the English and the Chinese text, the Danish Government will hold the sense as expressed in the English text to be the correct sense. This provision applies also to the present Treaty, copies of which, both in the English and the Chinese languages, will be signed and sealed by the Plenipotentiaries of the two High Contracting Parties.

ARTICLE LI.

The Chinese character "I" 夷 (barbarian) not to be applied to the Danish Government or to Danish Subjects.

[Same as Great Britain, **No. 6,** Art. LI.]

ARTICLE LII.

Facilities to Danish Ships of War. Piracy, &c.

[Same as Great Britain, **No. 6,** Art. LII.]

ARTICLE LIII.

Measures to be taken for Suppression of Piracy.

[Same as Great Britain, **No. 6,** Art. LIII.]

ARTICLE LIV.

Most-favoured-nation Treatment to Danish Government and Subjects.

It is hereby expressly stipulated that the Danish Government and its subjects will be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China to the Government or subjects of any other nation.

ARTICLE LV.

Ratifications.

The ratifications of this Treaty under the hand of His Majesty the King of Denmark and His Majesty the Emperor of China respectively shall be exchanged at Shanghai or Tientsin, within a year from this day of signature.

In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Tientsin this 13th day of July, in the year of our Lord, 1863.

(L.S.) W. R. RAASLOFF.
(L.S.) CHINESE PLENIPOTENTIARIES.

To the foregoing Treaty are appended:

(1) A Tariff of Duties; and (2) Rules in connection with the tariff, all of which are identical with those appended to the British Treaty of Tientsin (*See* **No. 7.**), with the following exceptions:—

(*a.*) *In the Tariff*, the words "except from Tangchow and Newchwang" after "beans and peas" and "brancake" are expunged.

(*b.*) *In the Rules*, para. 4 of Rule 5 (relating to the export of pulse from Tangchow and Newchwang) is omitted, in pursuance of the Agreement arrived at on the subject between the British Minister and the Chinese Government in 1862. Para. 5 of the British text becomes para. 4.

(*c.*) Rule 9 of the British text (relating to the abolition of the meltage fee) is omitted, and the following is substituted for Rule 10 in the British text:—

Rule 9.—*Collection of Duties under one System at every Port.*

It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue, accruing on Danish trade, it is agreed that one uniform system shall be enforced at every port.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling upon the Yang-tsze-kiang, when that river shall be opened to trade.

(**No. 39.**) *TREATY of Friendship, Commerce, and Navigation between France and China. Signed at Whampoa, 24th October,* 1844.*

[Ratifications exchanged at Macao, August 25, 1845.]

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Denmark, **No. 38,** Art. I.]

* "State Papers." Vol. 34. Page 1298. This Treaty is no longer in force, but it is historically interesting and important.

ARTICLE II.

Freedom of Trade at the 5 Ports. Trade with other Ports forbidden. Liability of Cargo to Confiscation.*

Dorénavant les Français et leurs familles sont autorisés à se transporter, s'établir et se livrer au commerce en toute sécurité, sans entrave ni restriction aucune, dans les ports et places de Canton, Emoui,† Fou-Chou, Ning-Pô et Chang-Hai. Les navires Français pourront commercer librement dans lesdits ports, y séjourner et circuler de l'un à l'autre, suivant leurs convenances. Mais il leur est formellement interdit de pénétrer et d'effectuer des opérations commerciales dans aucun autre port de la Chine, comme aussi de pratiquer sur la côte des ventes ou des achats clandestins. En cas de contravention au présent Article, et sauf les exceptions mentionnées à l'Article XXX, la cargaison desdits navires pourra être confisquée au profit du Gouvernement Chinois, lequel, toutefois, devra, immédiatement après la saisie et avant que la confiscation ne soit légalement prononcée, en donner avis au Consulat Français du port le plus voisin.

ARTICLE III.

Security of Property in the 5 Ports. Embargo on French Vessels forbidden. French Vessels free from all Public and Private Service.

[Same as Belgium, **No. 34,** Art. XIV.]

ARTICLE IV.

Appointment of French Consuls in the 5 Ports. Privileges of Consuls. Duties may be performed by Consul of a friendly Power.

Sa Majesté l'Empereur des Français pourra nommer des Consuls ou Agents Consulaires dans chacun des 5 ports susnommés, pour servir d'intermédiaire entre les autorités Chinoises et les négociants Français, et veiller à la stricte observation des règlements stipulés. Ces fonctionnaires seront traités avec les égards et la considération qui leur sont dus ; leurs rapports et communications officielles avec l'autorité supérieure de leur résidence seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de ladite autorité, ils s'adresseront directement au surintendant des 5 ports ou, à son défaut, au haut fonctionnaire de la province, qui examinera mûrement leurs plaintes et y fera droit, s'il y a lieu. En cas d'absence du Consul ou de l'Agent Consulaire, les capitaines et négociants Français auront la faculté de recourir à l'intervention du Consul d'une Puissance amie, ou bien, s'il n'y avait pas possibilité de le faire, de s'adresser directement au chef de la Douane, lequel avisera aux moyens d'assurer auxdits capitaines ou négociants tous les bénéfices du présent Traité.

* The five ports opened under Article II of the Treaty of Nanking, 29th August, 1842 (No. 1).

† Amoy.

ARTICLE V.

French Ships of War may be stationed in each of the 5 Ports. French Ships of War to be free from all Duties.

Il sera loisible à Sa Majesté l'Empereur des Français de faire stationner un bâtiment de guerre dans chacun des 5 ports, à l'effet de maintenir le bon ordre et la discipline parmi les équipages des navires marchands, et de faciliter l'exercice de l'autorité Consulaire. Les mesures nécessaires seront prises pour que la présence des susdits bâtiments de guerre n'entraîne aucun inconvénient; et leurs commandants recevront l'ordre de faire exécuter les dispositions mentionnées à l'Article XXIII, par rapport aux communications avec la terre et à la police des équipages. Il est bien entendu, d'ailleurs, que les bâtiments de guerre Français ne sauraient être frappés d'aucun droit quelconque.

ARTICLE VI.

Import and Export Duties. Most-favoured-nation Treatment.

Les droits d'importation et d'exportation prélevés dans les 5 ports sur le commerce Français seront réglés conformément au tarif annexé au présent, sous le sceau et la signature des Plénipotentiaires respectifs. Moyennant l'acquittement de ces droits, dont il est expressément interdit d'augmenter le montant à l'avenir, et que ne pourra aggraver aucune espèce de charges ou de surtaxes quelconques, les Français seront libres d'importer en Chine, des ports Français et étrangers, et d'exporter également pour toute destination, toutes les marchandises qui ne seront pas, au jour de la signature du présent Traité et d'après la classification du tarif ci-contre, l'objet d'une prohibition formelle ou d'un monopole spécial. Le Gouvernement Chinois renonçant à la faculté d'augmenter par la suite le nombre des articles réputés contrebande ou monopole, aucune modification ne pourra être dorénavant apportée au susdit tarif qu'après une entente préalable avec le Gouvernement Français, et de son plein et entier consentement.

A l'égard du tarif, aussi bien que pour toute stipulation introduite ou à introduire dans les Traités existants, ou qui seraient ultérieurement conclus, il demeure bien et dûment établi que les négociants, et en général tous les citoyens Français en Chine, auront droit, toujours et partout, au traitement de la nation la plus favorisée.

ARTICLE VII.

Transit Dues.

Toutes marchandises Françaises, après avoir acquitté dans l'un des 5 ports des droits de douane liquidés d'après le tarif, pourront être transportées dans l'intérieur par les négociants Chinois, sans

avoir à subir aucune autre charge supplémentaire que le payement des droits de transit, suivant le taux modéré actuellement en vigueur, lesquels droits ne seront susceptibles d'aucune augmentation future.

Si des agents de la Douane Chinoise, contrairement à la teneur du présent Article et du précédent, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de l'Empire du Milieu.

ARTICLE VIII.

Contraband and Fraud. Confiscation of Merchandise by Chinese Government. Fraudulent use of Flag.

La publication d'un tarif convenable et régulier ôtant désormais tout prétexte à la contrebande, il n'est pas à présumer qu'aucun acte de cette nature soit commis par des bâtiments de commerce Français dans les 5 ports. S'il en était autrement toute marchandise introduite en contrebande par des navires ou des négociants Français dans l'un des ports précités, quelles que soient d'ailleurs sa valeur et sa nature, comme aussi toute denrée prohibée, débarquée frauduleusement, seront saisies par l'autorité locale et confisquées au profit du Gouvernement Chinois. En outre, celui-ci pourra, si bon lui semble, interdire l'entrée de la Chine au bâtiment surpris en contravention, et le contraindre à partir aussitôt après l'apuration de ses comptes.

Si quelque navire étranger se couvrait frauduleusement du pavillon de la France, le Gouvernement Français verrait à prendre les mesures nécessaires pour la répression de cet abus.

ARTICLE IX.

Abolition of Privileged Corporations. Freedom of Import and Export Trade. Representation to be made by Consuls for infractions.

La corporation privilégiée, connue précédemment à Canton sous le nom de marchands hongs ou hanistes, ayant été légalement supprimée, les Français, dans les 5 ports, seront libres dorénavant de traiter de l'achat et de la vente de toute marchandise d'importation ou d'exportation avec tel sujet Chinois qu'ils voudront, sans distinction de classe et sans l'intervention obligée de qui que ce soit. Aucune autre société privilégiée ne pourra désormais s'établir non plus qu'aucune coalition organisée dans le but d'exercer un monopole sur le commerce. En cas de contravention au présent, l'autorité Chinoise, sur les représentations du Consul ou Agent Consulaire, aviserait au moyen de dissoudre de semblables associations, dont elle s'efforcera d'ailleurs de prévenir l'existence par des prohibitions préalables, afin d'écarter tout ce qui pourrait porter atteinte à la libre concurrence.

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Duties to be paid to Bankers authorized by Chinese Government.

Duties shall be paid to the bankers authorized by the Chinese Government to receive the same on its behalf, in sycee or in foreign money, the latter being received from Danish merchants at the same rate of exchange as from other merchants, and in no case at another or a higher rate.

ARTICLE XXXIII.

Standard Weights and Measures to be delivered to Consuls.

Sets of standard weights and measures prepared according to the standard issued to the Canton Custom-House by the Board of Revenue, shall be delivered by the Superintendent of Customs to the Consul at each port. To secure uniformity and prevent confusion, it is distinctly understood, that the equivalent of the above weights and measures is that laid down in Rule 4 of the Commercial Articles appended to this Treaty.

ARTICLE XXXIV.

Pilots.

[Same as Great Britain, **No. 6**, Art. XXXV.]

ARTICLE XXXV.

Custom-House Guards.

[Same as Great Britain, **No. 6**, Art. XXXVI.]

ARTICLE XXXVI.

Delivery of Ships' Papers to Danish Consul. Penalties for Neglect and giving False Manifest.

[Same as Great Britain, **No. 6,** Art. XXXVII.]

ARTICLE XXXVII.

Permit to open Hatches and Discharge Goods.

[Same as Great Britain, **No. 6,** Art. XXXVIII.]

ARTICLE XXXVIII.

Permits to Land and Ship Cargoes.

[Same as Great Britain, **No. 6,** Art. XXXIX.]

ARTICLE XXXIX.

Trans-shipment of Goods.

[Same as Great Britain, **No. 6,** Art. XL.]

ARTICLE XL.

Port-clearances.

When all dues and duties shall have been paid, the Superintendent of Customs shall give a port clearance.

ARTICLE XLI.

Mode of Levying ad valorem *Duties.*

[Same as Great Britain, **No. 6,** Art. XLII.]

ARTICLE XLII.

Mode of Levying Duties on Goods.

[Same as Great Britain, **No. 6,** Art. XLIII.]

ARTICLE XLIII.

Reduction of Duty on Damaged Goods.

[Same as Great Britain, **No. 6,** Art. XLIV.]

ARTICLE XLIV.

Coasting Trade. Drawback Certificates.

Chinese produce may be carried coastwise in Danish vessels from one port to another on paying tariff duty at the port of shipment, and coast-trade duty (the amount of which shall be one-half of the tariff duty) at the port of discharge. Chinese produce brought in from another port, if re-exported coastwise within 12 months, will be entitled to a drawback certificate for the half-

duty paid, and no export duty will be charged on shipment; but the half-tariff duty or coast-trade duty will again be charged at the port of discharge.

ARTICLE XLV.

Re-exportation of Goods. Drawbacks. Foreign Grain.

Danish merchants who may have imported merchandise into any of the open ports, and paid the duty thereon, if they desire to re-export the same, shall be entitled to make application to the Superintendent of Customs for permission to do so, who, in order to prevent fraud on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods, as entered in the Custom-House books, correspond with the representation made, and that the goods remain with their original marks unchanged. If, on such examination, the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to confiscation by the Chinese Government. Having complied with these conditions, the Danish merchant shall, on re-exporting foreign merchandise to a foreign country, or to another Chinese port, be entitled to a drawback certificate for the amount of import duty paid thereon. On re-exporting Chinese produce within 12 months to a foreign country, the Danish merchant shall be entitled to a drawback certificate for the coast-trade duty paid thereon.

Drawback certificates shall be valid tenders to the Customs in payment of import or export duties at the port at which they have been issued.

Foreign grain brought into any port of China in a Danish ship, if no part thereof has been landed, may be re-exported without hindrance.

ARTICLE XLVI.

Prevention of Fraud and Smuggling.

[Same as Great Britain, **No. 6,** Art. XLVI.]

ARTICLE XLVII.

Intercourse with non-open Ports forbidden. Vessel and Cargo liable to Confiscation.

[Same as Great Britain, **No. 6,** Art. XLVII.]

ARTICLE XLVIII.

Smuggling. Confiscation of Cargo.

[Same as Great Britain, **No. 6,** Art. XLVIII.]

ARTICLE XLIX.

Penalties and Confiscations to belong to Chinese Government.

[Same as Great Britain, **No. 6,** Art. XLIX.]

ARTICLE L.

Official Correspondence to be in English and Chinese. Language of Treaty. English Text to be Authoritative.

All official communications addressed by Diplomatic and Consular agents of His Majesty the King to the Chinese authorities shall be written in English. They will, for the present, be accompanied by a Chinese version; but it is understood that in the event of there being any difference of meaning between the English and the Chinese text, the Danish Government will hold the sense as expressed in the English text to be the correct sense. This provision applies also to the present Treaty, copies of which, both in the English and the Chinese languages, will be signed and sealed by the Plenipotentiaries of the two High Contracting Parties.

ARTICLE LI.

The Chinese character "I" 夷 (barbarian) not to be applied to the Danish Government or to Danish Subjects.

[Same as Great Britain, **No. 6,** Art. LI.]

ARTICLE LII.

Facilities to Danish Ships of War. Piracy, &c.

[Same as Great Britain, **No. 6,** Art. LII.]

ARTICLE LIII.

Measures to be taken for Suppression of Piracy.

[Same as Great Britain, **No. 6,** Art. LIII.]

ARTICLE LIV.

Most-favoured-nation Treatment to Danish Government and Subjects.

It is hereby expressly stipulated that the Danish Government and its subjects will be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China to the Government or subjects of any other nation.

ARTICLE LV.

Ratifications.

The ratifications of this Treaty under the hand of His Majesty the King of Denmark and His Majesty the Emperor of China respectively shall be exchanged at Shanghai or Tientsin, within a year from this day of signature.

In token whereof, the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Tientsin this 13th day of July, in the year of our Lord, 1863.

(L.S.) W. R. RAASLOFF.
(L.S.) CHINESE PLENIPOTENTIARIES.

To the foregoing Treaty are appended:

(1) A Tariff of Duties; and (2) Rules in connection with the tariff, all of which are identical with those appended to the British Treaty of Tientsin (*See* **No. 7.**), with the following exceptions:—

(*a.*) *In the Tariff*, the words "except from Tangchow and Newchwang" after "beans and peas" and "brancake" are expunged.

(*b.*) *In the Rules*, para. 4 of Rule 5 (relating to the export of pulse from Tangchow and Newchwang) is omitted, in pursuance of the Agreement arrived at on the subject between the British Minister and the Chinese Government in 1862. Para. 5 of the British text becomes para. 4.

(*c.*) Rule 9 of the British text (relating to the abolition of the meltage fee) is omitted, and the following is substituted for Rule 10 in the British text:—

Rule 9.—*Collection of Duties under one System at every Port.*

It being, by Treaty, at the option of the Chinese Government to adopt what means appear to it best suited to protect its revenue, accruing on Danish trade, it is agreed that one uniform system shall be enforced at every port.

The Chinese Government will adopt what measures it shall find requisite to prevent smuggling upon the Yang-tsze-kiang, when that river shall be opened to trade.

(**No. 39.**) *TREATY of Friendship, Commerce, and Navigation between France and China. Signed at Whampoa, 24th October,* 1844.*

[Ratifications exchanged at Macao, August 25, 1845.]

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Denmark, **No. 38,** Art. I.]

* "State Papers." Vol. 34. Page 1298. This Treaty is no longer in force, *but it* is historically interesting and important.

ARTICLE II.

Freedom of Trade at the 5 Ports. Trade with other Ports forbidden. Liability of Cargo to Confiscation.*

Dorénavant les Français et leurs familles sont autorisés à se transporter, s'établir et se livrer au commerce en toute sécurité, sans entrave ni restriction aucune, dans les ports et places de Canton, Emoui,† Fou-Chou, Ning-Pô et Chang-Hai. Les navires Français pourront commercer librement dans lesdits ports, y séjourner et circuler de l'un à l'autre, suivant leurs convenances. Mais il leur est formellement interdit de pénétrer et d'effectuer des opérations commerciales dans aucun autre port de la Chine, comme aussi de pratiquer sur la côte des ventes ou des achats clandestins. En cas de contravention au présent Article, et sauf les exceptions mentionnées à l'Article XXX, la cargaison desdits navires pourra être confisquée au profit du Gouvernement Chinois, lequel, toutefois, devra, immédiatement après la saisie et avant que la confiscation ne soit légalement prononcée, en donner avis au Consulat Français du port le plus voisin.

ARTICLE III.

Security of Property in the 5 Ports. Embargo on French Vessels forbidden. French Vessels free from all Public and Private Service.

[Same as Belgium, **No. 34,** Art. XIV.]

ARTICLE IV.

Appointment of French Consuls in the 5 Ports. Privileges of Consuls. Duties may be performed by Consul of a friendly Power.

Sa Majesté l'Empereur des Français pourra nommer des Consuls ou Agents Consulaires dans chacun des 5 ports susnommés, pour servir d'intermédiaire entre les autorités Chinoises et les négociants Français, et veiller à la stricte observation des règlements stipulés. Ces fonctionnaires seront traités avec les égards et la considération qui leur sont dus ; leurs rapports et communications officielles avec l'autorité supérieure de leur résidence seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de ladite autorité, ils s'adresseront directement au surintendant des 5 ports ou, à son défaut, au haut fonctionnaire de la province, qui examinera mûrement leurs plaintes et y fera droit, s'il y a lieu. En cas d'absence du Consul ou de l'Agent Consulaire, les capitaines et négociants Français auront la faculté de recourir à l'intervention du Consul d'une Puissance amie, ou bien, s'il n'y avait pas possibilité de le faire, de s'adresser directement au chef de la Douane, lequel avisera aux moyens d'assurer auxdits capitaines ou négociants tous les bénéfices du présent Traité.

* The five ports opened under Article II of the Treaty of Nanking, 29th August, 1842 (No. 1).

† Amoy.

ARTICLE V.

French Ships of War may be stationed in each of the 5 Ports. French Ships of War to be free from all Duties.

Il sera loisible à Sa Majesté l'Empereur des Français de faire stationner un bâtiment de guerre dans chacun des 5 ports, à l'effet de maintenir le bon ordre et la discipline parmi les équipages des navires marchands, et de faciliter l'exercice de l'autorité Consulaire. Les mesures nécessaires seront prises pour que la présence des susdits bâtiments de guerre n'entraîne aucun inconvénient; et leurs commandants recevront l'ordre de faire exécuter les dispositions mentionnées à l'Article XXIII, par rapport aux communications avec la terre et à la police des équipages. Il est bien entendu, d'ailleurs, que les bâtiments de guerre Français ne sauraient être frappés d'aucun droit quelconque.

ARTICLE VI.

Import and Export Duties. Most-favoured-nation Treatment.

Les droits d'importation et d'exportation prélevés dans les 5 ports sur le commerce Français seront réglés conformément au tarif annexé au présent, sous le sceau et la signature des Plénipotentiaires respectifs. Moyennant l'acquittement de ces droits, dont il est expressément interdit d'augmenter le montant à l'avenir, et que ne pourra aggraver aucune espèce de charges ou de surtaxes quelconques, les Français seront libres d'importer en Chine, des ports Français et étrangers, et d'exporter également pour toute destination, toutes les marchandises qui ne seront pas, au jour de la signature du présent Traité et d'après la classification du tarif ci-contre, l'objet d'une prohibition formelle ou d'un monopole spécial. Le Gouvernement Chinois renonçant à la faculté d'augmenter par la suite le nombre des articles réputés contrebande ou monopole, aucune modification ne pourra être dorénavant apportée au susdit tarif qu'après une entente préalable avec le Gouvernement Français, et de son plein et entier consentement.

A l'égard du tarif, aussi bien que pour toute stipulation introduite ou à introduire dans les Traités existants, ou qui seraient ultérieurement conclus, il demeure bien et dûment établi que les négociants, et en général tous les citoyens Français en Chine, auront droit, toujours et partout, au traitement de la nation la plus favorisée.

ARTICLE VII.

Transit Dues.

Toutes marchandises Françaises, après avoir acquitté dans l'un des 5 ports des droits de douane liquidés d'après le tarif, pourront être transportées dans l'intérieur par les négociants Chinois, sans

avoir à subir aucune autre charge supplémentaire que le payement des droits de transit, suivant le taux modéré actuellement en vigueur, lesquels droits ne seront susceptibles d'aucune augmentation future.

Si des agents de la Douane Chinoise, contrairement à la teneur du présent Article et du précédent, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de l'Empire du Milieu.

ARTICLE VIII.

Contraband and Fraud. Confiscation of Merchandise by Chinese Government. Fraudulent use of Flag.

La publication d'un tarif convenable et régulier ôtant désormais tout prétexte à la contrebande, il n'est pas à présumer qu'aucun acte de cette nature soit commis par des bâtiments de commerce Français dans les 5 ports. S'il en était autrement toute marchandise introduite en contrebande par des navires ou des négociants Français dans l'un des ports précités, quelles que soient d'ailleurs sa valeur et sa nature, comme aussi toute denrée prohibée, débarquée frauduleusement, seront saisies par l'autorité locale et confisquées au profit du Gouvernement Chinois. En outre, celui-ci pourra, si bon lui semble, interdire l'entrée de la Chine au bâtiment surpris en contravention, et le contraindre à partir aussitôt après l'apuration de ses comptes.

Si quelque navire étranger se couvrait frauduleusement du pavillon de la France, le Gouvernement Français verrait à prendre les mesures nécessaires pour la répression de cet abus.

ARTICLE IX.

Abolition of Privileged Corporations. Freedom of Import and Export Trade. Representation to be made by Consuls for infractions.

La corporation privilégiée, connue précédemment à Canton sous le nom de marchands hongs ou hanistes, ayant été légalement supprimée, les Français, dans les 5 ports, seront libres dorénavant de traiter de l'achat et de la vente de toute marchandise d'importation ou d'exportation avec tel sujet Chinois qu'ils voudront, sans distinction de classe et sans l'intervention obligée de qui que ce soit. Aucune autre société privilégiée ne pourra désormais s'établir non plus qu'aucune coalition organisée dans le but d'exercer un monopole sur le commerce. En cas de contravention au présent, l'autorité Chinoise, sur les représentations du Consul ou Agent Consulaire, aviserait au moyen de dissoudre de semblables associations, dont elle s'efforcera d'ailleurs de prévenir l'existence par des prohibitions préalables, afin d'écarter tout ce qui pourrait porter atteinte à la libre concurrence.

ARTICLE X.

Chinese and French fraudulent Debtors.

Si des Chinois, à l'avenir, deviennent débiteurs de capitaines ou de négociants Français et leur font éprouver des pertes par fraude ou de toute autre manière, ceux-ci n'auront plus à se prévaloir de la solidarité qui résultait de l'ancien état de choses ; ils pourront seulement s'adresser, par l'entremise de leur Consul, à l'autorité locale, qui ne négligera rien, après avoir examiné l'affaire, pour contraindre les prévenus à satisfaire à leurs engagements, suivant la loi du pays. Mais si le débiteur ne peut être retrouvé, s'il est mort ou en faillite, et s'il ne reste rien pour payer, les négociants Français ne pourront point appeler l'autorité Chinoise en garantie.

En cas de fraude ou de non-payement de la part de négociants Français, le Consul prêtera de la même manière assistance au réclamant, sans que, toutefois, ni lui ni son Gouvernement puissent en aucune façon être rendus responsables.

ARTICLE XI.

Pilots.

Lorsqu'un bâtiment Français arrivera dans les eaux de l'un des 5 ports ouverts au commerce, il aura la faculté d'engager tel pilote qu'il lui conviendra, pour se faire conduire immédiatement dans le port ; et, de même, quand, après avoir acquitté toutes les charges légales, il sera prêt à mettre à la voile, on ne pourra davantage lui refuser des pilotes pour le sortir du port sans retard ni délai.

Tout individu qui voudra exercer la profession de pilote pour les bâtiments Français pourra, sur la présentation de 3 certificats de capitaines de navire, être commissionné par le Consul de France de la même manière que cela se pratiquerait pour d'autres nations.

La rétribution à payer au pilote sera réglée selon l'équité, pour chaque port en particulier, par le Consul ou Agent Consulaire, lequel la fixera convenablement, en raison de la distance parcourue et des circonstances de la navigation.

ARTICLE XII.

Custom-House Guards.

Dès que le pilote aura introduit un navire de commerce Français dans le port, le chef de la Douane déléguera un ou deux préposés pour surveiller le navire et empêcher qu'il ne se pratique aucune fraude. Ces préposés pourront, selon leur convenance, rester dans leur propre bateau ou se tenir à bord du bâtiment ; les frais de leur solde, nourriture et entretien, seront à la charge de la douane Chinoise, et ils ne pourront exiger aucune indemnité ou rétribution quelconque du capitaine ou du consignataire. Toute contravention à ces dispositions entraînera une punition proportionnelle au montant *de l'exaction*, laquelle, en outre, sera intégralement restituée.

ARTICLE XIII.

Delivery of Ships' Papers. Penalty for non-delivery within 48 *hours. Penalty for breaking bulk without Permit, and Confiscation of Merchandise landed.*

Dans les 24 heures qui suivront l'arrivée d'un navire de commerce Français dans l'un des 5 ports, le capitaine, s'il n'est dûment empêché, et, à son défaut, le subrécargue ou le consignataire, devra se rendre au Consulat de France, et remettre entre les mains du Consul les papiers de bord, les connaissements et le manifeste; dans les 24 heures suivantes, le Consul enverra au chef de la Douane une note détaillée indiquant le nom du navire, le rôle d'équipage, le tonnage légal du bâtiment et la nature de son chargement. Si, par suite de la négligence du capitaine, cette dernière formalité n'avait pu être accomplie dans les 48 heures qui suivront l'arrivée du navire, le capitaine sera passible d'une amende de 50 piastres par jour de retard, au profit du Gouvernement Chinois : ladite amende, toutefois, ne pourra dépasser la somme de 200 piastres.

Aussitôt après la réception de la note transmise par le Consulat, le chef de la Douane délivrera le permis d'ouvrir la cale. Si le capitaine, avant d'avoir reçu le permis précité, avait ouvert sa cale et commencé à décharger, il pourra être condamné à une amende de 500 piastres, et les marchandises débarquées pourront être saisies, le tout au profit du Gouvernement Chinois.

ARTICLE XIV.

French Vessels not having broken bulk, and leaving within 48 *hours, not liable to Duties.*

Tout bâtiment Français entré dans un port de Chine, et qui n'a point encore levé le permis de débarquement mentionné plus bas à l'Article XVI, pourra, dans les 2 jours de son arrivée, quitter le port et se rendre dans un autre, sans avoir à payer ni droit de tonnage ni droit de douane, attendu qu'il les acquittera ultérieurement dans le port où il effectuera la vente de ses marchandises.

ARTICLE XV.

[*Tonnage Dues. Exemptions.*

[Similar to France, **No. 40**, Art. XXII.]

ARTICLE XVI.

Permit for loading and unloading Merchandise. Verification of Merchandise. Assessment of ad valorem *Duties. Duty to be paid on net weight. Intervention of Consul. Reduction of Duty on Damaged Goods.*

Toutes les fois qu'un négociant Français aura des marchandises à embarquer ou à débarquer, il devra d'abord en remettre la note

détaillée au Consul ou Agent Consulaire, qui chargera immédiatement un interprète reconnu du Consulat d'en donner communication au chef de la Douane. Celui-ci délivrera sur-le-champ un permis d'embarquement ou de débarquement. Il sera alors procédé à la vérification des marchandises dans la forme la plus convenable pour qu'il n'y ait chance de perte pour aucune des parties.

Le négociant Français devra se faire représenter sur le lieu de la vérification (s'il ne préfère y assister lui-même) par une personne réunissant les qualités requises, à l'effet de veiller à ses intérêts au moment où il sera procédé à cette vérification pour la liquidation des droits ; faute de quoi, toute réclamation ultérieure restera nulle et non avenue.

En ce qui concerne les marchandises taxées *ad valorem*, si le négociant ne peut tomber d'accord avec l'employé Chinois sur la valeur à fixer, chaque partie appellera 2 ou 3 négociants chargés d'examiner les marchandises, et le prix le plus élevé qui sera offert par l'un d'eux sera réputé constituer la valeur réelle desdites marchandises.

Les droits seront prélevés sur le poids net ; on déduira, en conséquence, le poids des emballages et contenants. Si le négociant Français ne peut s'entendre avec l'employé Chinois sur la fixation de la taxe, chaque partie choisira un certain nombre de caisses et de ballots parmi les colis, objets du litige ; ils seront d'abord pesés brut, puis taxés ensuite, et la taxe moyenne des colis pesés servira de taxe pour tous les autres.

Si pendant le cours de la vérification, il s'élève quelque difficulté qui ne puisse être résolu, le négociant Français pourra réclamer l'intervention du Consul, lequel portera sur-le-champ l'objet de la contestation à la connaissance du chef des Douanes, et tous deux s'efforceront d'arriver à un arrangement amiable. Mais la réclamation devra avoir lieu dans les 24 heurs, sinon il n'y sera pas donné suite. Tant que le jugement de la contestation restera pendant, le chef de la Douane n'en portera pas l'objet sur ses livres, laissant ainsi toute latitude pour l'examen et la solution de la difficulté.

Des marchandises importées qui auraient éprouvé des avaries jouiront d'une réduction de droits proportionnelle à leur dépréciation : celle-ci sera déterminée équitablement, et, s'il le faut, par expertise contradictoire, ainsi qu'il a été stipulé plus haut pour la fixation des droits *ad valorem*.

ARTICLE XVII.

Duties to be paid only on parts of Cargo landed. Duty-paid Goods not to pay second time on re-exportation. Confiscation of Fraudulent and Contraband Goods.

Tout navire Français entré dans l'un des 5 ports, et qui voudra n'y décharger qu'une partie de ses marchandises, ne payera les

droits de douane que pour la partie débarquée ; il pourra transporter le reste de sa cargaison dans un autre port et l'y vendre. Les droits seront alors acquittés.

Dans le cas où des Français, après avoir acquitté dans un port les droits sur des marchandises, voudraient les réexporter et aller les vendre dans un autre port, ils en préviendront le Consul ou Agent Consulaire ; celui-ci, de son côté en informera le chef de la Douane, lequel, après avoir constaté l'identité de la marchandise et la parfaite intégrité des colis, remettra aux réclamants une déclaration attestant que les droits afférents auxdites marchandises ont été effectivement acquittés. Munis de cette déclaration, les négociants Français n'auront, à leur arrivée dans l'autre port, qu'à la présenter, par l'entremise du Consul, au chef de la Douane, qui délivrera pour cette partie de la cargaison, sans retard et sans frais, un permis de débarquement en franchise de droits. Mais si l'autorité découvrait de la fraude ou de la contrebande parmi les marchandises ainsi réexportés, celles-ci seraient, après vérification, confisquées au profit du Gouvernement Chinois.

ARTICLE XVIII.

Import Duties due on landing and Export Dues on shipment of Goods. Receipts for Import and Export Duties. Duties to be paid to authorized Money Changers.

Il est établi, de commun accord, que les droits d'importation seront acquittés par les capitaines ou négociants Français au fur et à mesure du débarquement des marchandises et après leur vérification : les droits d'exportation le seront de la même manière lors de l'embarquement. Lorsque les droits de tonnage et de douane dus par un bâtiment Français auront été intégralement acquittés, le chef de la Douane délivrera une quittance générale, sur l'exhibition de laquelle le Consul rendra ses papiers de bord au capitaine, et lui permettra de mettre à la voile.

Le chef de la Douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir les sommes dues par les négociants Français au compte du Gouvernement, et les récépissés de ces maisons de change, pour tous les payements qui leur auront été faits, seront réputés acquits du Gouvernement Chinois. Ces payements pourront s'opérer, soit en lingots, soit en monnaies étrangères, dont le rapport avec l'argent sycé sera déterminé, de commun accord, entre le Consul ou Agent Consulaire Français et le chef de la Douane dans les différents ports, suivant le temps, le lieu et les circonstances.

ARTICLE XIX.

Standard Weights and Measures to be deposited at each Consulate.

[Same as France, **No. 40**, Art. XXVI.]

ARTICLE XX.

Trans-shipments.

[Same as France, **No. 40**, Art. XXV.]

ARTICLE XXI.

Hire of Boats, &c., for conveyance of Passengers, Merchandise, &c. No Monopoly.

Les capitaines et négociants Français pourront louer telles espèces d'alléges et d'embarcations qu'il leur plaira pour transporter des marchandises et des passagers, et la rétribution à payer pour ces alléges sera réglée de gré à gré par les parties intéressées, sans l'intervention de l'autorité Chinoise, et par conséquent sans sa garantie en cas d'accident, de fraude ou de disparition desdites alléges. Le nombre n'en sera point limité, et le monopole n'en pourra être concédé à qui que ce soit, non plus que celui du transport par portefaix des marchandises à embarquer ou à débarquer.

ARTICLE XXII.

Renting of Land for building Houses, Warehouses, Churches, Hospitals, Schools, and Burial-Grounds.

[Similar to France, **No. 40**, Art. X.]

ARTICLE XXIII.

Privileges to French Subjects and Commerce in open Ports. Consular Regulations to be framed for landing of French Sailors. Frenchmen found travelling outside prescribed Limits to be taken to nearest Consulate.

Les Français résidant ou de passage dans un des 5 ports pourront circuler dans leur voisinage immédiat et y vaquer à leurs occupations aussi librement que les nationaux. Mais ils ne pourront dépasser certaines limites, qui seront fixées de commun accord entre le Consul et l'autorité locale, ni, sous aucun prétexte, se livrer à des opérations commerciales en dehors de ces limites. Celles-ci seront également respectées par les équipages des bâtiments Français mouillés dans chacun desdits ports. Quand des matelots descendront à terre, ils seront soumis à des règlements de discipline spéciale qui seront arrêtés par le Consul et communiqués à l'autorité locale, de manière à prévenir, autant que possible, toute occasion de querelle entre les navires Français et les gens du pays.

Si, contrairement aux présentes dispositions, des Français, quels qu'ils soient, s'aventuraient en dehors des limites ou pénétraient au loin dans l'intérieur, ils pourront être arrêtés par l'autorité Chinoise, laquelle, dans ce cas, sera tenue de les faire conduire au Consulat Français du port le plus voisin ; mais il est formellement interdit à tout individu quelconque de frapper, de blesser ou de maltraiter

en aucune manière les Français ainsi arrêtés, de peur de troubler la bonne harmonie qui doit régner entre les deux empires.

ARTICLE XXIV.

Employment of Interpreters, &c., by French Subjects. Freedom to learn Chinese and to teach Foreign Languages. Sale and purchase of Books.

[Same as France, **No. 40**, Art. XI.]

ARTICLE XXV.

Consular Intervention in Complaints between French and Chinese.

[Similar to Great Britain, **No. 6**, Art. XVII.]

ARTICLE XXVI.

Protection of Persons and Property.

[Similar to France, **No. 40**, Art. XXXVI.]

ARTICLE XXVII.

Repression of Crimes. Chinese to be tried by Chinese Authorities, and French by French Consuls.

[Similar to France, **No. 40**, Art. XXXVIII.]

ARTICLE XXVIII.

French Subjects to be under French Jurisdiction. Chinese not to interfere in differences between Frenchmen and Foreigners. French Vessels to be under French Authority.

Les Français qui se trouveront dans les 5 ports dépendront également, pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux, de la juridiction Française. En cas de différends survenus entre Français et étrangers, il est bien stipulé que l'autorité Chinoise n'aura à s'en mêler d'aucune manière. Elle n'aura pareillement à exercer aucune action sur les navires marchands Français ; ceux-ci ne relèveront que de l'autorité Française et du capitaine.

ARTICLE XXIX.

Pursuit of Pirates. Punishment for neglect of duty.

[Same as France, **No. 40**, Art. XXXIV.]

ARTICLE XXX.

Facilities to French Vessels of War and Commerce. Wrecks, &c.

[Same as France, **No. 40**, Art. XXX.]

ARTICLE XXXI.

Surrender of French Seamen Deserters, and others. Surrender of Chinese Deserters and Criminals.

[Same as France, **No. 40,** Art. XXXII.]

ARTICLE XXXII.

French Commerce not to be restricted in case of War between China and another Power. Blockades.

[Same as France, **No. 40,** Art. XXXI.]

ARTICLE XXXIII.

Transaction of business between French and Chinese Authorities, &c. Correspondence.

[Same as France, **No. 40,** Art. IV.]

ARTICLE XXXIV.

Mode of Conveyance of Despatches to and from the Court of Peking.

Si, dorénavant, le Gouvernement de Sa Majesté l'Empereur des Français avait à envoyer quelques dépêches à la Cour de Pékin, elles seront transmises à leur destination par l'entremise du Surintendant des 5 ports chargé de la direction des Relations Extérieures de la Chine, ou, à son défaut, de l'un des Vice-rois des provinces du littoral, à qui le chef de l'établissement Consulaire Français les fera parvenir. Les mêmes formalités seraient observées pour la transmission des réponses de la Cour de Pékin.

ARTICLE XXXV.

Modification of Treaty after 12 *years if required. Obligations not specified not to be imposed on French Consuls and Subjects. Rights, Privileges, &c., of French Subjects. Most-favoured-nation Treatment.*

Sa Majesté l'Empereur des Français, si par la suite il jugeait convenable d'apporter des modifications à quelques-unes des clauses du présent Traité, sera libre d'ouvrir, à cet effet, des négociations avec le Gouvernement Chinois, après un intervalle de 12 années révolues, à partir de l'échange des Ratifications. Il est d'ailleurs entendu que toute obligation non consignée expressément dans la présente Convention ne saura être imposée aux Consuls ou Agents Consulaires Français, non plus qu'à leurs nationaux, tandis que, comme il a été stipulé, les Français jouiront de tous les droits, priviléges, immunités et garanties quelconques qui auraient été ou seraient accordés par le Gouvernement Chinois à d'autres Puissances.

ARTICLE XXXVI.

Ratifications.

Les Ratifications du présent Traité d'Amitié, de Commerce et de Navigation seront échangés dans l'intervalle d'un an, à partir du jour de la signature, ou plus tôt si faire se peut, par Sa Majesté l'Empereur des Français et Sa Majesté l'Empereur de Chine.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent Traité, et y ont apposé leurs cachets.

Signé et scellé par les Plénipotentiaires respectifs, à Whampoa, à bord de la corvette Française à vapeur *l'Archimède*, le 24e jour du mois d'Octobre de l'an de grâce 1844, correspondant au 13e jour de la 9e lune de la 24e année de Tao-Kuân.

(L.S.) KI.
(L.S.) T. DE LAGRENE.

[Here follows the TARIFF.]

Droits de Tonnage.

Autrefois le droit de tonnage était fixé d'après le nombre de toises Chinoises que le navire mesurait en longueur et en largeur. Il est convenu maintenant de changer ce mode et de faire payer au navire un droit proportionnel au nombre de tonneaux que la navire peut porter suivant son enregistrement. Le droit à prélever sur chaque tonneau (et la valeur du tonneau est fixé à 122 boisseaux Chinois) sera de 5 maces, sauf les exceptions prévues à l'Article XV du Traité ci-joint. Toutes les anciennes taxes de mesurage, les surcharges journalières ou mensuelles à l'entrée ou à la sortie des navires, sont complètement abolies.

MARCHANDISES PROHIBÉES.

IMPORTATION.—Opium.

(L.S.) KI.
(L.S.) T. DE LAGRENE.

(No. 40.)—*TREATY of Friendship, Commerce, and Navigation between China and France. Signed at Tientsin, 27th June, 1858.**

[Signed also in Chinese.]

[Ratifications exchanged at Peking, October 25, 1860.]

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Denmark, **No. 38**, Art. I.]

* "State Papers." Vol. 51. Pages 637-662.

ARTICLE II.

Residence of Diplomatic Agents in Peking. Rights and Privileges of Diplomatic Agents. Appointment of Chinese Diplomatic Agents in France.

Pour maintenir la paix si heureusement rétablie entre les deux Empires, il a été convenu entre les Hautes Parties Contractantes qu'à l'exemple de ce qui se pratique chez les nations de l'Occident, les Agents Diplomatiques dûment accrédités par Sa Majesté l'Empereur des Français auprès de Sa Majesté l'Empereur de la Chine, pourront se rendre éventuellement dans la capitale de l'Empire, lorsque des affaires importantes les y appelleront.

Il est convenu entre les Hautes Parties Contractantes que, si l'une des Puissances qui ont un Traité avec la Chine obtenait, pour ses Agents Diplomatiques, le droit de résider, à poste fixe, à Pekin, la France jouirait immédiatement du même droit.

Les Agents Diplomatiques jouiront réciproquement, dans le lieu de leur résidence, des priviléges et immunités que leur accorde le droit des gens ; c'est-à-dire que leurs personnes, leur famille, leur maison et leur correspondance seront inviolables, qu'ils pourront prendre à leur service les employés, courriers, interprètes, serviteurs, &c., qui leur seront nécessaires.

Les dépenses de toute espèce qu'occasionneront les missions diplomatiques de France en Chine seront supportées par le Gouvernement Français. Les Agents Diplomatiques qu'il plaira à Sa Majesté l'Empereur de la Chine d'accréditer auprès de Sa Majesté l'Empereur des Français seront reçus en France avec tous les honneurs et toute les prérogatives dont jouissent, à rang égal, les Agents Diplomatiques dès autres nations accrédités à la Cour de Sa Majesté l'Empereur des Français.

ARTICLE III.

Language to be employed in Official Communications. French Text of Treaty to be Authoritative.

Les communications officielles des Agents Diplomatiques et Consulaires Français avec les autorités Chinoises seront écrites en Français, mais seront accompagnées, pour faciliter le service, d'une traduction Chinoise aussi exacte que possible, jusqu'au moment où le Gouvernement Impérial de Pékin, ayant des interprètes pour parler et écrire correctement le Français, la correspondance diplomatique aura lieu dans cette langue pour les Agents Français et en Chinois pour les fonctionnaires de l'Empire. Il est convenu que jusque-là, et en cas de dissidence dans l'interprétation à donner au texte Français et au texte Chinois au sujet des clauses arrêtées d'avance dans les Conventions faites de commun accord, ce sera le texte Français qui devra prévaloir.

Cette disposition est applicable au présent Traité. Dans les

communications entre les autorités des deux pays, ce sera toujours le texte original et non la traduction qui fera foi.

ARTICLE IV.

Transaction of business between French and Chinese Authorities, &c. Correspondence.

Désormais, les correspondances officielles entre les autorités et les fonctionnaires des deux pays seront réglées suivant les rangs et les positions respectifs et d'après les bases de la réciprocité la plus absolue. Ces correspondances auront lieu entre les hauts fonctionnaires Français et les hauts fonctionnaires Chinois, dans la capitale ou ailleurs, par dépêche ou communication. Entre les fonctionnaires Français en sous-ordre et les hautes autorités des provinces, pour les premiers par exposé, pour les seconds par déclaration. Entre les officiers en sous-ordre des deux nations, comme il est dit plus haut, sur le pied d'une parfaite égalité.

Les négociants et généralement tous les individus qui n'ont pas de caractère officiel se serviront réciproquement de la formule représentation dans toutes les pièces adressés ou destinées pour renseignements aux autorités respectives.

Toutes les fois qu'un Français aura à recourir à l'autorité Chinoise, sa réprésentation devra d'abord être soumise au Consul, qui, si elle lui paraît raisonnable et convenablement rédigée, lui donnera suite, et qui, s'il en est autrement, en fera modifier la teneur ou refusera de la transmettre. Les Chinois de leur côté, lorsqu'ils auront à s'adresser au Consulat, devront suivre une marche analogue auprès de l'autorité Chinoise, laquelle agira de la même manière.

ARTICLE V*.

Appointment of French Consuls. Relation with Chinese Authorities. Consul's duties may be performed by Consul of Friendly Power.

Sa Majesté l'Empereur des Français pourra nommer des Consuls ou des Agents Consulaires dans les ports de mer ou de rivière de l'Empire Chinois dénommés dans l'Article VI du présent Traité pour servir d'intermédiaires entre les autorités Chinoises et les négociants et les sujets Français, et veiller à la stricte observation des règlements stipulés.

Ces fonctionnaires seront traités avec considération et les égards qui leur sont dus. Leurs rapports avec les autorités du lieu de leur residence seront établis sur le pied de la plus parfaite égalité. S'ils avaient à se plaindre des procédés de ladite autorité ils s'adresseraient directement à l'autorité supérieure de la province, et en donneraient immédiatement avis au Ministre Plénipotentiaire de l'Empereur.

En cas d'absence du Consul Français, les capitaines et les négo-

* On the 8th July, 1852, a French law was passed respecting the jurisdiction of French Consuls in China.—"State Papers." Vol. 72. Page 243.

ciants Français auraient la faculté de recourir à l'intervention du Consul d'une Puissance amie ou, s'il était impossible de la faire, ils auraient recours au chef de la douane, qui aviserait au moyen d'assurer à ces capitaines et négociants le bénéfice du présent Traité.

ARTICLE VI.

New Ports open to Foreign Commerce:—Kiungchow, Chao-Chow (Swatow), Taïwan, Taashwi, Tangchow (Chefoo),† and Nanking. Passports to Nanking not to be delivered during Rebellion.*

L'expérience ayant démontré que l'overture de nouveaux ports au commerce étranger est une des nécessités de l'époque, il a été convenu que les ports de Kiung-Tchau et Chaou-Chaou* dans la province de Kouang-Ton, Taïwan et Taashwi dans l'île de Formose, province de Fo-Kien ; Tan-Tchau† dans la province de Chan-Tong, et Nankin‡ dans la province de Kiang-Nan, jouiront des mêmes privilèges que Canton, Chang-Haï, Ning-Pô, Amoy et Fou-Tcheou.

Quant à Nankin, les Agents Français en Chine ne déliveront de passeports à leurs nationaux pour cette ville, que lorsque les rebelles en auront été expulsés par les troupes impériales.

ARTICLE VII.

Privileges to French Subjects and Commerce in open Ports. Vessels and Merchandise liable to confiscation for fraudulent Sales and Purchases on the Coast. Confiscations to belong to Chinese Government.

Les Français et leurs familles pourront se transporter, s'établir et se livrer au commerce ou à l'industrie en toute sécurité et sans entrave d'aucune espèce, dans les ports et villes de l'Empire Chinois situés sur les côtes maritimes et sur les grands fleuves dont l'énumération est contenue dans l'Article précédent.

Ils pourront circuler librement de l'un à l'autre, s'ils sont munis de passeports ; mais il leur est formellement défendu de pratiquer, sur la côte, des ventes ou des achats clandestins, sous peine de confiscation des navires et des marchandises engagés dans ces opérations, et cette confiscation aura lieu au profit du Gouvernement Chinois, qui devra cependant, avant que la saisie et la confiscation soient légalement prononcées, en donner avis au Consul Français du port le plus voisin.

ARTICLE VIII.

Passports.

Les Français qui voudront se rendre dans les villes de l'intérieur, ou dans les ports où ne sont pas admis les navires étrangers, pourront le faire en toute sûreté, à la condition expresse d'être munis de passeports rédigés en Français et en Chinois, légalement délivrés par les Agents Diplomatiques ou les Consuls de France en Chine, et visés par les autorités Chinoises.

* Swatow is the port actually opened. † Chefoo is the port actually opened.
‡ Nanking was effectively opened, 1st May, 1899.

En cas de perte de ce passeport, le Français qui ne pourra pas le présenter, lorsqu'il en sera requis légalement, devra, si l'autorité Chinoise du lieu où il se trouve se refuse à lui donner un permis de séjour, pour lui laisser le temps de demander un autre passeport au Consul, être reconduit au Consulat le plus voisin, sans qu'il soit permis de le maltraiter, ni de l'insulter en aucune manière.

Ainsi que cela était stipulé dans les anciens Traités, les Français résidant ou de passage dans les ports ouverts au commerce étranger pourront circuler, sans passeport, dans leur voisinage immédiat, et y vaquer à leurs occupations aussi librement que les nationaux ; mais ils ne pourront dépasser certaines limites qui seront fixées, de commun accord, entre le Consul et l'autorité locale.

Les Agents Français en Chine ne déliveront de passeports à leurs nationaux que pour les lieux où les rebelles ne seront pas établis dans le moment où ce passeport sera demandé.

Ces passeports ne seront délivrés par les autorités Françaises qu'aux personnes qui leur offriront toutes les garanties désirables.

ARTICLE IX.

Import, Export, and Transit Duties. Most-favoured-nation Treatment.

Tous les changements apportés d'un commun accord, avec l'une des Puissances signataires des Traités avec la Chine, au sujet des améliorations à introduire au tarif actuellement en vigueur, ou à celui qui le serait plus tard, comme aussi aux droits de douane, de tonnage, d'importation, de transit et d'exportation, seront immédiatement applicables au commerce et aux négociants Français, par le seul fait de leur mise à exécution.

ARTICLE X.

Renting of Land for building Houses, Warehouses, Churches, Hospitals, Schools, and Burial Grounds.

[Similar to Belgium, **No. 34,** with the following addition :]

Il est bien entendu, d'ailleurs, que le nombre des maisons et l'étendue des terrains à affecter aux Français, dans les ports ouverts au commerce étranger, ne seront point limités, et qu'ils seront déterminés d'après les besoins et les convenances des ayants droit. Si des Chinois violaient ou détruisaient des églises ou des cimetières Français, les coupables seraient punis suivant toute la rigueur des lois du pays.

ARTICLE XI.

Employment of Interpreters, &c., by French Subjects. Freedom to learn Chinese, and to teach Foreign Languages. Sale and Purchase of Books.

Les Français, dans les ports ouverts au commerce étranger, pourront choisir librement, et à prix débattu entre les parties, ou

sous la seule intervention des Consuls, des compradors, interprètes, écrivains, ouvriers, bateliers et domestiques. Ils auront, en outre, le faculté d'engager des lettrés du pays pour apprendre à parler ou à écrire la langue Chinoise, et toute autre langue ou dialecte usités dans l'Empire, comme aussi de se faire aider par eux, soit pour leurs écritures, soit pour des travaux scientifiques ou littéraires. Ils pourront également enseigner à tout sujet Chinois la langue de leur pays ou des langues étrangères, et vendre sans obstacle des livres Français ou acheter eux-mêmes toutes sortes de livres Chinois.

ARTICLE XII.

Property of French Subjects inviolable. Embargo on French Vessels forbidden.

[Same as Belgium, **No. 34,** Art. XIV.]

ARTICLE XIII.

Freedom of Christian Religion.

La religion Chrétienne ayant pour objet essentiel de porter les hommes à la vertu, les membres de toutes les communions Chrétiennes, jouiront d'une entière sécurité pour leurs personnes, leurs propriétés et le libre exercice de leurs pratiques religieuses, et une protection efficace sera donnée aux missionnaires qui se rendront pacifiquement dans l'intérieur du pays, munis des passeports réguliers dont il est parlé dans l'Article VIII.

Aucune entrave ne sera apportée par les autorités de l'Empire Chinois au droit qui est reconnu à tout individu en Chine d'embrasser s'il le veut, le Christianism, et d'en suivre les pratiques sans être passible d'aucune peine infligé pour ce fait.

Tout ce qui a été précédemment écrit, proclamé ou publié en Chine par ordre du Gouvernement, contre le culte Chrétien, est complétement abrogé, et reste sans valeur dans toutes les provinces de l'Empire.

ARTICLE XIV.

Privileged Commercial Societies and Monopolies forbidden.

Aucune société de commerce privilégiée ne pourra désormais s'établir en Chine, et il en sera de même de toute coalition organisée dans le but d'exercer un monopole sur le commerce.

En cas de contravention au présent Article, les autorités Chinoises, sur les représentations du Consul ou de l'Agent Consulaire, aviseront aux moyens de dissoudre de semblables associations, dont elles s'efforceront, d'ailleurs, de prévenir l'existence par des prohibitions préalables, afin d'écarter tout ce qui pourrait porter atteinte à la libre concurrence.

ARTICLE XV.

Pilots.

[§ 1. Similar to Great Britain, **No. 6**, Art. XXXV.]

§ 2. Tout individu qui voudra exercer la profession de pilote pour les bâtiments Français pourra, sur la présentation de trois certificats de capitaine de navire, être commissionné par le Consul de France, de la même manière que cela se pratiquerait pour d'autres nations.

§ 3. La rétribution payée aux pilotes sera réglée selon l'équité, pour chaque port en particulier, par le Consul ou Agent Consulaire, lequel la fixera convenablement en raison de la distance et des circonstances de la navigation.

ARTICLE XVI.

Custom-House Guards.

Dès que le pilote aura introduit un navire de commerce Français dans le port, le Chef de la Douane déléguera un ou deux préposés pour surveiller le navire, et empêcher qu'il ne se pratique aucune fraude. Ces préposés pourront, selon leur convenances, rester dans leur propres bateaux, ou se tenir à bord du bâtiment.

Les frais de leur solde, de leur nourriture et de leur entretien, seront à la charge de la Douane Chinoise, et ils ne pourront exiger aucune indemnité ou rétribution quelconque des Capitaines ou des consignataires. Toute contravention à cette disposition entraînera une punition proportionnelle au montant de l'exaction, laquelle sera en outre intégralement restituée.

ARTICLE XVII.

Delivery of Ships' Papers. Penalty for non-delivery within 48 *hours. Penalty for breaking Bulk without Permit, and Confiscation of Merchandise landed.*

Dans les 24 heures qui suivront l'arrivée d'un navire de commerce Français dans l'un des ports ouverts au commerce étranger, le capitaine, s'il n'est dûment empêché, et, à son défaut, le subrécargue ou le consignataire devra se rendre au Consulat de France et remettre entre les mains du Consul les papiers de bord, les connaissements et le manifeste. Dans les 24 heures suivantes, le Consul enverra au chef de la Douane une note détaillée indiquant le nom du navire, le rôle d'équipage, le tonnage légal du bâtiment et la nature de son chargement. Si, par suite de la négligence du capitaine, cette dernière formalité n'avait pas pu être accomplie dans les 48 heures qui suivront l'arrivée du navire, le capitaine sera passible d'une amende de 50 piastres par jour de retard au profit du Gouvernement Chinois; ladite amende, toutefois, ne pourra dépasser la somme de deux cents piastres.

Aussitôt après la réception de la note transmise par le Consulat, le chef de la Douane délivrera le permis d'ouvrir la cale. Si le capitaine, avant d'avoir reçu le permis précité, avait ouvert la cale et commencé à décharger, il pourrait être condamné à une amende de 500 piastres, et les marchandises débarquées pourraient être saisies, le tout au profit du Gouvernement Chinois.

ARTICLE XVIII.

Hire of Boats, &c., for conveyance of Passengers, Merchandise, &c. No Monopoly.

[Same as France, **No. 39**, Art. XXI.]

ARTICLE XIX.

Permits for Loading and unloading Merchandise. Verification of Merchandise. Assessment of ad valorem *duties. Duty to be paid on net weight. Intervention of Consul. Reduction of Duties on Damaged Goods.*

Toutes les fois qu'un négociant Français aura des marchandises à embarquer ou à débarquer, il devra d'abord en remettre la note détaillée au Consul ou Agent Consulaire, qui chargera immédiatement un interprète reconnu du Consulat d'en donner communication au chef de la Douane. Celui-ci délivrera sur-le-champ un permis d'embarquement ou de débarquement. Il sera alors procédé à la vérification des marchandises dans la forme la plus convenable pour qu'il n'y ait chance de perte pour aucune des parties.

Le négociant Français devra se faire représenter sur le lieu de la vérification (s'il ne préfère y assister lui-même) par une personne réunissant les qualités réquises, à l'effet de veiller à ses intérêts au moment où il sera procédé à cette vérification pour la liquidation des droits ; faute de quoi, toute réclamation ultérieure restera nulle et non avenue.

En ce qui concerne les marchandises taxées *ad valorem*, si le négociant ne peut tomber d'accord avec l'employé Chinois sur la valeur à fixer, chaque partie appellera deux ou trois négociants chargés d'examiner les marchandises, et le prix de plus élevé qui sera offert par l'un d'eux sera réputé constituer la valeur desdites marchandises.

Les droits seront prélevés sur le poids net ; on déduira, en conséquence, le poids des emballages et contenants. Si le négociant Français ne peux s'entendre avec l'employé Chinois sur la fixation de la taxe, chaque partie choisira un certain nombre de caisses et de ballots parmi les colis objets du litige ; ils seront d'abord pesés bruts, puis tarés ensuite, et la tare moyenne des colis pesés servira de tare pour tous les autres.

Si, pendant le cours de la vérification, il s'élève quelque difficulté qui ne puisse être résolue, le négociant Français pourra réclamer l'intervention du Consul, lequel portera sur-le-champ

l'objet de la contestation à la connaissance du chef des Douanes, et tous deux s'efforceront d'arriver à un arrangement amiable ; mais la réclamation devra avoir lieu dans les 24 heures, sinon il n'y sera pas donné suite. Tant que le résultat de la contestation restera pendant le chef de la Douane n'en portera pas l'objet sur ses livres, laissant ainsi toute latitude pour l'examen et la solution de la difficulté.

Les marchandises importées qui auraient éprouvé des avaries jouiront d'une réduction de droits proportionnée à leur dépréciation. Celle-ci sera déterminée équitablement et, s'il le faut, par expertise contradictoire, ainsi qu'il a été stipulé plus haut pour la fixation des droits *ad valorem*.

ARTICLE XX.

French Vessels not having broken bulk, and leaving within 48 *hours not liable to Duties.*

Tout bâtiment entré dans l'un des ports de la Chine, et qui n'a point encore levé le permis de débarquement mentionné dans l'Article XIX, pourra, dans les deux jours de son arrivée, quitter le port et se rendre dans un autre port sans avoir à payer ni droits de tonnage, ni droits de douane, attendu qu'il les acquittera ultérieurement dans le port où il effectuera la vente de ses marchandises.

ARTICLE XXI.

Import Duties due on landing and Export Duties on shipment of Goods. Receipts for Import and Export Duties. Duties to be paid to authorized Money Changers.

[Same as France, **No. 39,** Art. XVIII.]

ARTICLE XXII.*

Tonnage Dues. Exemptions.

Après l'expiration des deux jours mentionnés dans l'Article XX et avant de procéder au déchargement, chaque bâtiment de commerce Français acquittera intégralement les droits de tonnage ainsi réglés pour les navires de 150 tonneaux, de la jauge légale et au-dessus, à raison de 5† maces (un demi-tael) par tonneau ; pour les navires jaugeant moins de 150 tonneaux, à raison d'un mace (un dixième de tael) par tonneau. Toutes les rétributions et surcharges additionnelles, antérieurement imposées à l'arrivée et au départ, sont expressément supprimées et ne pourront être remplacées par aucune autre.

Lors du payement du droit précité, le Chef de la Douane délivrera au capitaine ou au consignataire un reçu en forme de certificat constatant que le droit de tonnage a été intégralement acquitté,

* This Article was amended by an Exchange of Notes (**No. 43**) in 1865.
† See Convention of 25th October, 1860 (**No. 42**), Art. X.

et, sur l'exhibition de ce certificat au Chef de la Douane de tout autre port où il lui conviendrait de se rendre, le capitaine sera dispensé de payer de nouveau pour son bâtiment le droit de tonnage ; tout navire Français ne devant en être passible qu'une seule fois à chacun de ses voyages d'un pays étranger en Chine.

Sont exemptes des droits de tonnage, les barques, goëlettes, bateaux caboteurs et autres embarcations Françaises, pontées ou non, employées au transport des passagers, bagages, lettres, comestibles et généralement de tous objets non sujets aux droits. Si lesdites embarcations transportaient en outre des marchandises, elles resteraient dans la catégorie des navires jaugeant moins de 150 tonneaux et payeraient à raison d'un dixième de tael (un mace) par tonneau.

Les négociants Français pourront toujours affréter des jonques et autres embarcations Chinoises, lesquelles ne seront soumises à aucun droit de tonnage.

ARTICLE XXIII.

Transit Dues.

Toutes marchandises Françaises, après avoir acquitté, dans l'un des ports de la Chine, les droits de douane liquidés d'après le tarif, pourront être transportées dans l'intérieur sans avoir à subir aucune autre charge supplémentaire que le payement des droits de transit suivant le taux modéré actuellement en vigueur ; lesquels droits ne seront susceptibles d'aucune augmentation future.

Si des Agents de la Douane Chinois, contrairement à la teneur du présent Traité, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de l'Empire.

ARTICLE XXIV.

Duties to be paid only on parts of Cargo landed. Duty-paid Goods not to pay a second time on Re-exportation. Confiscation of Fraudulent and Contraband Goods.

[§ 1. Same as Belgium, **No. 34,** Art. XXVI.]

§ 2. Dans le cas où des Français, après avoir acquitté dans un port les droits sur les marchandises, voudraient les réexporter et aller les vendre dans un autre port, ils en préviendraient le Consul ou Agent Consulaire ; celui-ci, de son côté, en informera le Chef de la Douane, lequel, après avoir constaté l'identité de la marchandise et la parfaite intégrité des colis, remettra aux réclamants une declaration attestant que les droits afférents auxdites marchandises ont été effectivement acquittés.

§ 3. Munis de cette déclaration, les négociants Français n'auront, à leur arrivée dans l'autre port, qu'à la présenter par l'entremise du Consul au Chef de la Douane, qui délivrera pour cette partie de la cargaison, sans retard et sans frais, un permis de débarquement en

franchise de droits : mais, si l'autorité découvrait de la fraude ou de la contrebande parmi ces marchandises ainsi réexportées, celles-ci seraient, après vérification, confisquées au profit du Gouvernement Chinois.

ARTICLE XXV.

Trans-shipments.

Aucun transbordement de marchandises ne pourra avoir lieu que sur permis spécial, et dans un cas d'urgence. S'il devient indispensable d'effectuer cette opération, il devra en être référé au Consul, qui délivrera un certificat sur le vu duquel le transbordement sera autorisé par le Chef de la Douane. Celui-ci pourra toujours déléguer un employé de son administration pour y assister.

Tout transbordement non autorisé, sauf le cas de péril en la demeure, entraînera la confiscation, au profit du Gouvernement Chinois, de la totalité des marchandises illicitement transbordées.

ARTICLE XXVI.

Standard Weights and Measures to be deposited at each Consulate.

Dans chacun des ports ouverts au commerce étranger, le Chef de la Douane recevra pour lui-même, et déposera au Consulat Français, des balances légales pour les marchandises et pour l'argent, ainsi que des poids et mesures exactement conformes aux poids et aux mesures en usage à la Douane de Canton, et revêtus d'une estampille et d'un cachet constatant cette conformité. Ces étalons seront la base de toutes les liquidations de droits et de tous les payements à faire au Gouvernement Chinois. On y aura recours en cas de contestation sur le poids et la mesure des marchandises, et il sera statué d'après les résultats qu'ils auront donnés.

ARTICLE XXVII.

Tariff of Imports and Exports. Revision every seven years. Most-favoured-nation Treatment.

Les droits d'importation et d'exportation prélevés en Chine sur le commerce Français seront réglés conformément au tarif annexé au présent Traité sous le sceau et la signature des Plénipotentiaires respectifs. Ce tarif pourra être revisé de 7 en 7 années, pour être mis en harmonie avec les changements de valeur apportés par le temps sur les produits du sol et de l'industrie des deux Empires.

Moyennant l'acquit des ces droits, dont il est expressément interdit d'augmenter le montant dans le cours des 7 années susmentionnées et que ne pourront aggraver aucune espèce de charge ou de surtaxe quelconque, les Français seront libres d'importer en Chine des ports Français ou étrangers, et d'exporter également de Chine pour toute destination, toutes les marchandises qui ne seraient

pas, au jour de la signature du présent Traité, et d'après la classification du tarif ci-annexé, l'objet d'une prohibition formelle ou d'un monopole spécial.

Le Gouvernement Chinois renonçant à la faculté d'augmenter, par la suite, le nombre des articles réputés contrebande ou monopole, aucune modification ne pourra être apportée au tarif qu'après une entente préalable avec le Gouvernement Français et de son plein et entier consentement.

A l'égard du tarif, aussi bien que pour toute stipulation introduite ou à introduire dans les Traités existants ou qui seraient ultérieurement conclus, il demeure bien et dûment établi que les négociants, et en général tous les citoyens Français en Chine, auront droit toujours et partout au traitement de la nation la plus favorisée.

ARTICLE XXVIII.

Confiscation of Contraband and Fraudulent Goods. Vessels may be prohibited entering Chinese Ports. Fraudulent use of Flag.

La publication d'un tarif convenable et régulier ôtant désormais tout prétexte à la contrebande, il n'est pas à présumer qu'aucun acte de cette nature soit commis par des bâtiments du commerce Français dans les ports de la Chine. S'il en était autrement, toute marchandise introduite en contrebande, par des navires ou par des négociants Français dans ces ports, quelles que soient d'ailleurs sa valeur et sa nature, comme aussi toute denrée prohibée débarquée frauduleusement, seront saisies par l'autorité locale et confisqués au profit du Gouvernement Chinois. En outre, celui-ci pourra, si bon lui semble, interdire l'entrée de la Chine au bâtiment surpris en contravention et le contraindre à partir aussitôt après l'apuration de ses comptes. Si quelque navire étranger se couvrait frauduleusement du pavillon de la France, le Gouvernement Français prendrait les mesures nécessaires pour la répression de cet abus.

ARTICLE XXIX.

French Vessels of War in Chinese Ports. Exemption from Duties.

Sa Majesté l'Empereur des Français pourra faire stationner un bâtiment de guerre dans les ports principaux de l'Empire où sa présence serait jugée nécessaire pour maintenir le bon ordre et la discipline parmi les équipages des navires marchands et faciliter l'exercice de l'autorité Consulaire. Toutes les mesures nécessaires seraient prises pour que la présence de ces navires de guerre n'entraîne aucun inconvénient, et leur commandants recevraient l'ordre de faire exécuter les dispositions stipulées dans l'Article XXXIII par rapport aux communications avec la terre et à la police des équipages. Les bâtiments de guerre ne seront assujettis à aucun droit.

ARTICLE XXX.

Facilities to French Vessels of War and Commerce. Wrecks, &c.

Tout bâtiment de guerre Français croisant pour la protection du commerce sera reçu en ami et traité comme telle dans tous les ports de la Chine où il se présentera. Ces bâtiments pourront s'y procurer les divers objets de rechange et de ravitaillement dont ils auraient besoin, et, s'ils ont fait des avaries, les réparer et acheter dans ce but les matériaux nécessaires; le tout sans la moindre opposition.

Il en sera de même à l'égard des navires de commerce Français qui, par suite d'avaries majeures ou pour toute autre cause, seraient contraints de chercher refuge dans un port quelconque de la Chine.

Si quelqu'un de ces bâtiments venait à se perdre sur la côte, l'autorité Chinoise la plus proche, dès quelle en serait informée, porterait sur-le-champ assistance à l'équipage, pourvoirait à ses premiers besoins et prendrait les mesures d'urgence nécessaires pour le sauvetage du navire et la préservation des marchandises. Puis elle porterait le tout à la connaissance du Consul ou Agent Consulaire le plus à portée du sinistre, pour que celui-ci, de concert avec l'autorité compétente, pût aviser aux moyens de rapatrier l'équipage et de sauver les débris du navire et de la cargaison.

ARTICLE XXXI.

French Commerce not to be restricted in case of War between China and another Power. Blockades.

Dans le cas où, par la suite des temps, la Chine entrerait en guerre avec une autre Puissance, cette circonstance ne porterait aucune atteinte au libre commerce de la France avec la Chine ou avec la nation ennemie. Les navires Français pourraient toujours, sauf le cas de blocus effectif, circuler sans obstacle des ports de l'une aux ports de l'autre, y trafiquer comme à l'ordinaire, y importer et en exporter toute espèce de marchandises non prohibées.

ARTICLE XXXII.

Surrender of French Seamen Deserters, and others. Surrender of Chinese Deserters and Criminals.

S'il arrive que des matelots ou autres individus désertent des bâtiments de guerre ou s'évadent des navires de commerce Français, l'autorité Chinoise, sur la réquisition du Consul ou, à son défaut, du capitaine, fera tous ses efforts pour découvrir et restituer sur-le-champ, entre les mains de l'un ou de l'autre, les sus-dits déserteurs ou fugitifs.

Pareillement, si des Chinois déserteurs ou prévenus de quelque crime vont se réfugier dans les maisons Françaises, ou à bord des navires appartenant à des Français, l'autorité locale s'adressera

au Consul, qui, sur la preuve de la culpabilité des prévenus, prendra immédiatement les mesures nécessaires pour que leur extradition soit effectuée. De part et d'autre, on evitera soigneusement tout recel et toute connivence.

ARTICLE XXXIII.

Prevention of Quarrels between French Sailors and Natives.

Quand les matelots descendront à terre, ils seront soumis à des règlements de discipline spéciale qui seront arrêtés par le Consul et communiqués à l'autorité locale, de mannière à prévenir, autant que possible, toute occasion de querelle entre les marins Français et les gens du pays.

ARTICLE XXXIV.

Pursuit of Pirates. Punishment for neglect of duty.

Dans le cas où des navires de commerce Français seraient attaqués ou pillés par des pirates, dans les parages dépendant de la Chine, l'autorité civile et militaire du lieu le plus rapproché, dès qu'elle aura connaissance du fait, en poursuivra activement les auteurs, et ne négligera rien pour qu'ils soient arrêtés et punis conformément aux lois. Les marchandises enlevées, en quelque lieu et dans quelque état qu'elles se trouvent, seront remises entre les mains du Consul, qui se chargera de les restituer aux ayants droit. Si l'on ne peut s'emparer des coupables, ni recouvrer la totalité des objets volés, les fonctionnaires Chinois subiront la peine infligée par la loi en pareille circonstance ; mais ils ne sauraient être rendus pécuniairement responsables.

ARTICLE XXXV.

Disputes between French and Chinese. Consular Intervention.

[Similar to Great Britain, No. 6, Art. XVII.]

ARTICLE XXXVI.

Protection of Persons and Property.

Si, dorénavant, des citoyens Français éprouvaient quelques dommages ou s'ils étaient l'objet de quelque insulte ou vexation de la part de sujets Chinois, ceux-ci seraient poursuivis par l'autorité locale, qui prendra les mesures nécessaires pour la défense et la protection des Français ; à bien plus forte raison, si des malfaiteurs ou quelque partie égarée de la population tentaient de piller, de détruire ou d'incendier les maisons, les magasins des Français ou tout autre établissement formé par eux, la même autorité, soit à la réquisition du Consul, soit de son propre mouvement, enverrait en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables, les livrer à toute la rigueur des lois ; le tout sans préjudice des poursuites à exercer par qui de droit pour indemnisation des pertes éprouvées.

ARTICLE XXXVII.

French and Chinese fraudulent Debtors.

Si des Chinois, à l'avenir, deviennent débiteurs de capitaines ou de négociants Français et leur font éprouver des pertes par fraude ou de toute autre manière, ceux-ci n'auraient plus à se prévaloir de la solidarité qui résultait de l'ancien état de choses ; ils pourront seulement s'adresser, par l'entremise de leurs Consuls, à l'autorité locale, qui ne négligera rien, après avoir examiné l'affaire, pour contraindre les prévenus à satisfaire à leurs engagements suivant la loi du pays. Mais si le débiteur ne peut être retrouvé, s'il est mort ou en faillite, et s'il ne reste rien pour payer, les négociants Français ne pourront point appeler l'autorité Chinoise en garantie.

En cas de fraude ou de non-payement de la part des négociants Français, le Consul prêtera, de la même manière, assistance aux réclamants, sans que, toutefois, ni lui ni son Gouvernement puissent, en aucune manière, être rendus responsables.

ARTICLE XXXVIII.

Repression of Crimes. Chinese to be tried by Chinese Authorities and French by French Consuls.

Si, malheureusement, il s'élevait quelque rixe ou quelque querelle entre des Français et des Chinois, comme aussi dans le cas où, durant le cours d'une semblable querelle, un ou plusieurs individus seraient tués ou blessés, soit par des coups de feu, soit autrement, les Chinois seront arrêtés par l'autorité Chinoise, qui se chargera de les faire examiner et punir, s'il y a lieu, conformément aux lois du pays. Quant aux Français, ils seront arrêtés à la diligence du Consul, et celui-ci prendra toutes les mesures nécessaires pour que les prévenus soient livrés à l'action régulière des lois Françaises dans la forme et suivant les dispositions qui seront ultérieurement déterminées par le Gouvernement Français.

Il en sera de même en toute circonstance analogue et non prévue dans la présente Convention, le principe étant que, pour la répression des crimes et délits commis par eux en Chine, les Français seront constamment régis par les lois Françaises.

ARTICLE XXXIX.

French Subjects to be under French Jurisdiction. Chinese not to interfere in differences between Frenchmen and Foreigners. French Vessels to be under French Authority.

Les Français en Chine dépendront également pour toutes les difficultés ou les contestations qui pourraient s'élever entre eux, de la juridiction Française. En cas de différends survenus entre Français et étrangers, il est bien stipulé que l'autorité Chinoise

n'aura à s'en mêler en aucune manière. Elle n'aura pareillement à exercer aucune action sur les navires Français; ceux-ci ne relèvront que de l'autorité Francaise et du capitaine.

ARTICLE XL.

Modification of Treaty after 12 years, if required. Obligations not specified in Treaty not to be imposed on French Consuls and Subjects. Rights, Privileges, &c., of French Subjects. Most-favoured-nation Treatment.

Si, dorénavant, le Gouvernement de Sa Majesté l'Empereur des Français jugeait convenable d'apporter des modifications à quelques-unes des clauses du présent Traité, il sera libre d'ouvrir, à cet effet, des négociations avec le Gouvernement Chinois après un intervalle de 12 années révolues à partir de l'échange des ratifications. Il est d'ailleurs entendu que toute obligation non consignée expressément dans la présente Convention ne saura être imposée aux Consuls ou aux Agents Consulaires, non plus qu'à leurs nationaux, tandis que, comme il a été stipulé, les Français jouiront de tous les droits, priviléges, immunités et garanties quelconques qui auraient été ou qui seraient accordés par le Gouvernement Chinois à d'autres Puissances.

ARTICLE XLI.

Additional Articles to have same effect as if inserted in Treaty.

Sa Majesté l'Empereur des Français, voulant donner à Sa Majesté l'Empereur de la Chine une preuve des sentiments qui l'animent, consent à stipuler, dans des Articles séparés ayant la même force et valeur que s'ils étaient insérés mot à mot au présent Traité, les arrangements convenus entre les deux Gouvernements au sujet des questions antérieures aux événements de Canton et aux frais qu'ils ont occasionnés au Gouvernement de Sa Majesté l'Empereur des Français.

ARTICLE XLII.

Ratifications.

Les ratifications du présent Traité d'amitié, de commerce et de navigation, seront échangées à Pékin, dans l'intervalle d'un an à partir du jour de la signature, ou plus tôt si faire se peut, par Sa Majesté l'Empereur des Français et par Sa Majesté l'Empereur de la Chine.

Après l'échange de ces ratifications, le Traité sera porté à la connaissance de toutes les autorités supérieures de l'Empire dans les provinces et dans la capitale, afin que sa publicité soit bien établie.

En foi de quoi, les Plénipotentiaires respectifs ont signé le présent Traité et y ont apposé leurs cachets.

Fait à Tien-tsin, en 4 expéditions, le 27e jour du mois de Juin de l'an de grâce, 1858, correspondant au 17e jour de la 5e lune de la 8e année de Hien-Foung.

(L.S.) BARON GROS.

[Les signatures des Plénipotentiaires Chinois.]

ARTICLES SÉPARÉS.

ARTICLE I.

Degradation of the Si-lin-hien Magistrate for Murder of a French Missionary.

Le Magistrat de Si-lin-hien coupable du meurtre du Missionnaire Français, Auguste Chapdelaine, sera dégradé et déclaré incapable d'exercer désormais aucun emploi.

ARTICLE II.

The Degradation to be publicly announced.

Une communication officielle adressée à son Excellence Monsieur le Ministre de France en Chine lui annoncera l'exécution de cette mesure, qui sera rendue publique et motivée convenablement dans la Gazette de Pékin.

ARTICLE III.

Indemnity to French Subjects for Losses at Canton.

Une indemnité sera donnée aux Français et aux protégés de la France dont les propriétés ont été pillées ou incendiées par la populace de Canton avant la prise de cette ville par les troupes alliées de la France et de l'Angleterre.

ARTICLE IV.*

Payment of Occupation Expenses and Indemnities.

Les dépenses occasionnées par les armements considérables qu'ont motivés les refus obstinés des autorités Chinoises d'accorder à la France les réparations et les indemnités qu'elle a réclamées seront payées au Gouvernement de sa Majesté l'Empereur des Français par les caisses de la douane de la ville de Canton.

Ces indemnités et ces frais d'armements s'élevant à peu près à une somme de 2,000,000 de taëls, cette somme sera versée entre les mains du Ministre de France en Chine, qui en donnera quittance.

Cette somme de 2,000,000 de taëls sera payée à son Excellence Monsieur le Ministre de France en Chine, par sixièmes, payables d'année en année, et pendant 6 ans, par la caisse des douanes de Canton ; elle pourra l'être, soit en numéraire, soit en bons de douane,

* Amended by Convention of 25th October, 1860 (No. 42), Art. IV.

qui seront reçus par cette administration en payement des droits d'importation et d'exportation et pour un dixième seulement de la somme qu'on aurait à lui payer, c'est-à-dire que, si un négociant doit à la douane de Canton une somme de 10,000 taëls, par exemple, pour droits d'importation ou d'exportation, il pourra en payer 9,000 en espèces et 1,000 en bons dont il s'agit.

Le premier sixième sera payé dans le cours de l'année qui suivra la signature du présent Traité, à compter du jour où elle aura lieu.

La douane de Canton pourra, si elle le veut, ne recevoir chaque année en payement de droits que le sixième des bons émis, c'est-à-dire pour une somme de 333,333 taëls et 34 centièmes.

Une commission mixte, nommée à Canton par l'autorité Chinoise et par le Ministre de France, fixera d'avance le mode d'émission de ces bons et les règlements qui en détermineront la forme, la valeur et le mode de destruction dès qu'ils auront servi.

ARTICLE V.

French Evacuation of Canton.

L'évacuation de Canton par les troupes Françaises s'effectuera aussitôt que possible après le payement intégral de la somme de 2,000,000 de taëls stipulée ci-dessus ; mais, pour hâter la retraite de ces troupes, ces bons de douanes pourront être émis d'avance par série de 6 années et déposés dans la chancellerie de la légation de France en Chine.

ARTICLE VI.

Above Articles to have same effect as if inserted in the Treaty.

Les Articles ci-dessus auront même force et valeur que s'ils étaient inscrits mot à mot dans le Traité dont ils font partie, et les Plénipotentiaires respectifs les ont signés et y ont apposé leurs sceaux et leurs cachets.

Fait à Tien-Tsin en 4 expéditions, le 27e jour du mois de Juin de l'an de grâce, 1858, correspondant au 17e jour de la 5e lune de la 8e année de Hien-Foung.

(L.S.) BARON GROS.

[Les signatures des Plénipotentiaires Chinois.]

(No. 41.) *NEW TARIFF AND COMMERCIAL REGULATIONS.* 24 *November*, 1858.*

L'Article IX du Traité signé à Tien-Tsin, le 27 Juin dernier (**No. 40**), par le Plénipotentiaire de Sa Majesté l'Empereur des Français et les Plénipotentiaires de Sa Majesté l'Empereur de la Chine, ayant prévu que des modifications pourraient être apportées,

* For Tariff of Imports and Exports and Commercial Regulations, see "State Papers," Vol. 51. Pages 654, 662.

d'un commun accord, par le Gouvernement de Sa Majesté l'Empereur de la Chine, et ceux des Puissances signataires des Traités de Tien-Tsin, au sujet d'améliorations à introduire dans le tarif qui fixe les droits d'importation, d'exportation, de transit, &c., et Sa Majesté l'Empereur de la Chine ayant, à cet effet, donné l'ordre aux Commissaires Impériaux :

[Here follow their names.]

de se rendre à Changhaï, où se trouvait le Plénipotentiaire de France, afin de s'entendre avec lui au sujet des modifications et des améliorations à apporter au tarif, il a été convenu, entre les Hautes Parties Contractantes, qu'après mûr examen, et après avoir consulté des personnes instruites en matières de commerce, il serait procédé à l'établissement d'un nouveau tarif accompagné de règlements commerciaux, servante à faciliter sa mise à exécution.

Il a été également convenu que le nouveau tarif Français et les règlements de commerce qui y sont annexés, pouvant, à bon droit, être considérés comme un Traité supplémentaire à celui du 27 Juin dernier, ce tarif et ces règlements auraient, aux mêmes dates et aux mêmes conditions stipulées dans le Traité de Tien-Tsin la même force et valeur que s'ils y étaient insérés mot à mot, et qu'à partir du jour où le Traité de Tien-Tsin sera mis à exécution, le tarif qui s'y trouve annexé en ce moment, sera considéré comme nul et non avenu et remplacé par le nouveau tarif.

Le Plénipotentiaire de France et ceux de l'Empire Chinois, ayant reconnu valables les pouvoirs dont ils sont revêtus, ont établi, d'un commun accord, le tarif qui suit et les règlements commerciaux qui le terminent.

En conséquence, les droits que les Français auront à payer aux autorités Chinoises, par suite des opérations commerciales qu'ils pourraient faire en Chine, sont fixés, de commun accord, d'après le tarif suivant, divisé en marchandises d'importation et en marchandises d'exportation, énumérées dans chacune de ces deux grandes divisions, par ordre de lettres alphabétiques.

(No. 42.) *ADDITIONAL CONVENTION of Peace and Friendship between France and China. Signed at Peking, 25th October*, 1860.

Preamble.

ARTICLE I.

Apology for conduct of Chinese Military Authorities at Taku.

Sa Majesté l'Empereur de la Chine a vue avec peine la conduite que les autorités militaires Chinoises ont tenue à l'embouchure de la rivière de Tien-Tsin, dans le mois de Juin de l'année dernière,

au moment où les Ministres Plénipotentiaires de France et d'Angleterre s'y présentaient pour se rendre à Pékin, afin d'y procéder à l'échange des ratifications des Traités de Tien-Tsin.

ARTICLE II.

Treatment of Ambassador during his stay at Peking.

Lorsque l'Ambassadeur, Haut Commissionnaire de Sa Majesté l'Empereur des Français, se trouvera dans Pékin pour y procéder à l'échange des ratifications du Traité de Tien-Tsin il sera traité pendant son séjour dans la capitale avec les honneurs dus à son rang, et toutes les facilités possibles lui seront données par les autorités Chinoises pour qu'il puisse remplir sans obstacle la haute mission qui lui est confiée.

ARTICLE III.

Execution of Treaty of 27th June, 1858.

Le Traité signé à Tien-Tsin, le 27 Juin, 1858, (**No. 40**) sera fidèlement mis à exécution dans toutes ses clauses, immédiatement après l'échange des ratifications dont il est parlé dans l'Article précédent, sauf, bien entendu, les modifications que peut y apporter la présente Convention.

ARTICLE IV.

Annulment of Article IV of Treaty of 27th June, 1858. *Indemnity of* 8,000,000 *taels to be paid by instalments.*

L'Article IV du Traité Secret de Tien-Tsin* par lequel Sa Majesté l'Empereur de la Chine s'engage à faire payer au Gouvernement Français une indemnité de 2,000,000 de taels est annulé et remplacé par le présent Article, qui élève à la somme de 8,000,000 de taels le montant de cette indemnité.

Il est convenu que les sommes déjà payées par la douane de Canton à compte sur la somme de 2,000,000 de taels stipulé par le Traité de Tien-Tsin seront considérées comme ayant été payées d'avance et à compte sur les 8,000,000 de taels dont il est question dans cet Article.

Les dispositions prises dans l'Article IV du Traité de Tien-Tsin sur le mode de payement établi au sujet des 2,000,000 de taels sont annulées. Le montant de la somme qui reste à payer par le Gouvernement Chinois sur les 8,000,000 de taels stipulés par la présente Convention, le sera en y affectant le cinquième des revenus bruts des douanes des ports ouverts au commerce étranger, et de 3 mois en 3 mois ; le premier terme commençant au 1er Octobre de cette année et finissant au 31 Décembre suivant. Cette somme, spécialement réservée pour le payement de l'indemnité due à la France, sera comptée en piastres Mexicaines ou en argent cissé au cours du jour du payement, entre les mains du Ministre de France ou de ses délégués.

* See separate Article IV, on page 285.

Une somme de 5,000 taels sera payée cependant à compte, d'avance, en une seule fois, et à Tien-Tsin, le 20 Novembre prochain, ou plus tôt si le Gouvernement Chinois le juge convenable.

Une commission mixte, nommée par le Ministre de France et par les autorités Chinoises, déterminera les règles à suivre pour effectuer les payements de toute l'indemnité, en vérifier le montant, en donner quittance et remplir enfin toutes les formalités que la comptabilité exige en pareil cas.

ARTICLE V.

1,000,000 taels to be paid to French Merchants for their losses at Canton, and 7,000,000 for War Expenses.

La somme de 8,000,000 de taels est allouée au Gouvernement Français pour l'indemniser des dépenses que ses armements contre la Chine l'ont obligé de faire, comme aussi pour dédommager les Français et les protégés de la France qui ont été spoliés, lors de l'incendie des factoreries de Canton, et indemniser aussi les missionnaires Catholiques qui ont souffert dans leurs personnes ou leurs propriétés. Le Gouvernement Français répartira cette somme entre les parties intéressées dont les droits ont été légalement établis devant lui et en raison de ces mêmes droits, et il est convenu, entre les Parties Contractantes, que 1,000,000 de taels sera destiné à indemniser les sujets Français ou protégés par la France des pertes qu'ils ont éprouvés ou des traitements qu'ils ont subis, et que les 7,000,000 de taels restant seront affectés aux dépenses occasionnées par la guerre.

ARTICLE VI.

Restitution of French Religious Establishments. Right of French Missionaries to rent and purchase Land in the Provinces, and to erect Buildings thereon.

Conformément à l'édit impérial rendu le 20 Mars, 1846, par l'auguste Empereur Fao-Kouang, les établissements religieux et de bienfaisance qui ont été confisqués aux Chrétiens pendant les persécutions dont ils ont été les victimes, seront rendus à leurs propriétaires par l'entremise de son Excellence le Ministre de France en Chine, auquel le Gouvernement Impérial les fera délivrer avec les cimetières et les autres édifices qui en dépendaient.*

* The following is the translation of the Chinese text of the above Article :—
Art. VI.—It shall be promulgated throughout the length and breadth of the land, in the terms of the Imperial Edict of the 20th February, 1846, that it is permitted to all people in all parts of China to propagate and practice the "teachings of the Lord of Heaven," to meet together for the preaching of the doctrine, to build churches and to worship; further, all such as indiscriminately arrest [Christians] shall be duly punished; and such churches, schools, cemeteries, lands, and buildings, as were owned on former occasions by persecuted Christians shall be paid for, and the money handed to the French Representative at Peking, for transmission to the Christians in the localities concerned. It is, in addition, permitted to French Missionaries to rent and purchase land in all the Provinces, and to erect buildings thereon at pleasure.—(Mayer's "China Treaties, 1902." See also **No. 51.**)

ARTICLE VII.

Tientsin opened to Trade. Evacuation by French Troops.

La ville et le port de Tien-Tsin, dans la province de Petchéli, seront ouverts au commerce étranger, aux mêmes conditions que le sont les autres villes et ports de l'Empire où ce commerce est déjà permis, et cela, à dater du jour de la signature de la présente Convention, qui sera obligatoire pour les deux nations, sans qu'il soit nécessaire d'échanger les ratifications, et qui aura la même force et valeur que si elle était insérée mot à mot dans le Traité de Tien-Tsin.

Les troupes Françaises qui occupent cette ville pourront, après le payement des 500,000 taels dont il est question dans l'Article IV de la présente Convention, l'évacuer pour aller s'établir à Tacou et sur la côte nord du Changton, d'où elles se retireront ensuite dans les mêmes conditions qui présideront à l'évacuation des autres points qu'elles occupent sur le littoral de l'Empire. Les commandants en chef des forces Françaises auront cependant le droit de faire hiverner leurs troupes de toutes armes à Tien-Tsin, s'ils le jugent convenable, et de ne les en retirer qu'au moment où les indemnités dues par le Gouvernement Chinois auraient été entièrement payées, à moins cependant qu'il ne convienne aux commandants en chef de les en faire partir avant cette époque.

ARTICLE VIII.

French occupation of Chusan and other Places in China until completion of Indemnity Payments.

Il est également convenu que, dès que la présente Convention aura été signé, et que les ratifications du Traité de Tien-Tsin auront été échangées, les forces Françaises qui occupent Chusan évacueront cette île, et que celles qui se trouvent devant Pékin se retireront à Tien-Tsin, à Takou sur la côte nord de Changton, ou dans la ville de Canton, et que, dans tous ces lieux, ou dans chacun d'eux le Gouvernement Français pourra, s'il le juge convenable, y laisser des troupes jusqu'au moment où la somme totale de 8,000,000 taels sera payée en entier.

ARTICLE IX.

Chinese Coolie Emigration.

Il est convenu entre les Hautes Parties Contractantes que, dès que les ratifications du Traité de Tien-Tsin auront été échangées, un édit impériale ordonnera aux autorités supérieures de toutes les provinces de l'Empire de permettre à tout Chinois qui voudrait aller dans les pays situés au-delà des mers pour s'y établir ou y chercher fortune, de s'embarquer, lui et sa famille, s'il le veut, sur les bâtiments Français qui se trouveront dans les ports de l'Empire ouverts au commerce étranger,

Il est convenu aussi que, dans l'intérêt de ces émigrés, pour assurer leur entière liberté d'action et sauvegarder leurs intérêts, les autorités Chinoises compétentes s'entendront avec le Ministre de France en Chine pour faire les règlements qui devront assurer à ces engagements toujours volontaires les garanties de moralité et de sûreté qui doivent y présider.

[See Convention (not ratified) of 5th March, 1866 (**No. 10**).]

ARTICLE X ET DERNIER.

Tonnage Dues on Vessels of 150 *tons and upwards to be reduced to* 4 *maces per ton.*

Il est bien entendu, entre les Parties Contractantes, que le droit de tonnage qui, par erreur, a été fixé, dans le Traité Français de Tien-Tsin, à 5 maces par tonneau sur les bâtiments qui jaugent 130 tonneaux et au-dessus, et qui, dans les Traités signés avec l'Angleterre et les États-Unis, en 1858, n'est porté qu'à la somme de 4 maces, ne s'élèvera qu'à cette même somme de 4 maces, sans avoir à invoquer le dernier paragraphe de l'Article XXVII du Traité de Tien-Tsin, qui donne à la France le droit formel de réclamer le traitement de la nation la plus favorisée.

Le présente Convention de Paix a été faite à Pékin, en 4 expéditions, le 25 Octobre, 1860, et y a été signée par les Plénipotentiaires respectifs, qui y ont apposé le sceau de leurs armes.

(L.S.) BARON GROS.
(L.S.) PRINCE DE KONG.

(**No. 43.**) *EXCHANGE OF NOTES between the French Chargé d'Affaires at Peking and Prince Kung respecting Exemptions from Tonnage Dues. August—September,* 1865.

Pekin, le 20 *Août,* 1865.

(1).—*The French Chargé d'Affaires to Prince Kung.*

MONSEIGNEUR,

LE Gouvernement de l'Empereur m'a donné l'ordre de déclarer à Votre Altesse Impériale qu'il consentait à renoncer à l'exemption des droits de tonnage que l'Article XXII du Traité de Tientsin (**No. 40**), stipule en faveur des jonques et autres embarcations Chinoises affrétées par les négociants Français. Il m'a autorisé en outre à accepter les propositions contenues dans la dépêche de Votre Altesse Impériale en date du 8 Décembre dernier, et à soumettre, tous le quatre mois, au paiement des droits de tonnage les navires Français ou affrétés par des Français qui feraient le cabotage entre les différents ports de la Chine.

En échange de ces concessions, les ports de la Cochinchine placés sous la juridiction Française et les ports du Japon seront,

comme l'est déjà le port de Hongkong, assimilés aux ports Chinois, c'est-à-dire, que dorénavant les navires portant pavillon Français, à quelque titre que ce soit, pourront naviguer entre les ports de la Chine, ceux de la Cochinchine et du Japon sans que les droits de $\frac{4}{10}^{e}$ ou de $\frac{1}{10}^{e}$ par tonneau de jauge puissent leur être réclamés plus d'une fois tous les quatre mois, quelque soit le nombre de voyages.

Le Gouvernement de l'Empereur consent également à ce que les embarcations Chinoises frétées par les négociants Français pour faire le commerce dans le Yangtsé-kiang soient soumises aux droits spécifiés dans l'Article VI des réglements sur la navigation de ce fleuve.

J'ai l'honneur, &c.

HENRY DE BELLONET.

(2).—*Prince Kung to the French Chargé d'Affaires.*

Le Président du Yamen répliqua alors par une nouvelle dépêche (en date du 11me jour de la 7me lune de la 4me année de T'oung Tché = 1er Septembre, 1865), qui confirmait celle du 8 Décembre de l'année précédente, supprimait l'Article XXII et le modifiait ainsi :—

Après l'expiration des deux jours dont il est question dans l'Article XX et avant de procéder au déchargement, chaque bâtiment Français acquittera intégralement les droits de tonnage ainsi réglés : pour les navires de 150 tonneaux de la jauge légale et au-dessus, à raison de quatre maces par tonneau ; pour les navires jaugeant moins de 150 tonneaux, à raison d'un mace par tonneau.

Le capitaine de tout navire qui sortira d'un port ouvert de Chine pour se rendre dans un autre port ouvert ou pour faire le cabotage entre la Chine, les ports de la Cochinchine placés sous la juridiction Française et ceux du Japon, devra s'adresser au Chef de la Douane qui lui délivera un certificat spécial. Si le navire se rend dans les quatre mois à compter de ce jour dans les autres ports ouverts, il y sera exempté de tous droits ; mais s'il s'y rend après l'expiration de cette période il devra acquitter les droits de tonnage.

Les barques, bateaux, caboteurs, et autres embarcations Françaises à voiles ou sans voiles devront, conformément au réglement relatif aux navires ne jaugeant pas 150 tonneaux, acquitter les droits une fois tous les quatre mois, à raison d'un mace par tonneau.

Les jonques et autres embarcations Chinoises affrétées par des commerçants Français devront de la même manière acquitter les droits de tonnage une fois tous les quatre mois.

Les embarcations Chinoises affrétées par les négociants Français pour faire le commerce dans le Yangtsé seront soumises aux droits spécifiés dans l'Article VI du réglement sur la navigation de ce fleuve.

(No. 44.) *PRELIMINARY CONVENTION of Peace between France and China. Signed at Tientsin, 11th May, 1884.**

[Signed also in Chinese.]

Le Gouvernement de la République Française et Sa Majesté l'Empereur de Chine voulant, au moyen d'une Convention Préliminaire, dont les dispositions serviront de bases à un Traité Définitif,† mettre un terme à la crise qui affecte gravement aujourd'hui la tranquillité publique et le mouvement général des affaires, rétablir sans retard et assurer à jamais les relations de bon voisinage et d'amitié qui doivent exister entre les deux nations, ont nommé pour leurs Plénipotentiaires respectifs, savoir :

Sa Majesté l'Empereur de Chine, son Excellence Li-Hong-Tchang, Grand Tuteur Présomptif du fils de Sa Majesté l'Empereur, Premier Secrétaire d'État, Vice-Roi du Tchili, noble Héréditaire de première classe, du troisième rang ;

Le Gouvernement de la République Française, M. Ernest-François Fournier, Capitaine de Frégate, Commandant l'Éclaireur d'Escadre le *Volta*, Officier de la Légion d'Honneur ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

French Respect and Protection of Chinese Frontiers in the neighbourhood of Tonkin.

La France s'engage à respecter et à protéger contre toute attaque d'une nation quelconque, et en toutes circonstances, les frontières sud de la Chine limitrophes du Tonkin.

ARTICLE II.

Withdrawal of Chinese Garrison from Tonkin. Chinese to respect Treaties between France and Annam.

La Chine, rassurée par les garanties formelles de bon voisinage qui lui sont données par la France quant à l'intégralité et à la sécurité de ses frontières sud, s'engage à retirer immédiatement sur ses frontières toutes les garnisons Chinoises du Tonkin et à respecter, dans le présent et dans l'avenir, les Traités directement faits ou à faire entre la France et la Cour d'Annam.

ARTICLE III.

French Renunciation of Demand for War Indemnity.

Reconnaissante de l'attitude conciliante de la Chine et pour rendre hommage à la sagesse patriotique de son Excellence Li dans

* See Protocol of 4th April, 1885 (**No. 45**).
† The Treaty of Peace was signed June 9, 1885 (**No. 46**).

la négociation de cette Convention, la France renonce à demander une indemnité à la Chine.

French Frontier Trade between Annam and China.

En retour, la Chine s'engage à admettre sur toute l'étendue de sa frontière sud limitrophe du Tonkin la liberté du trafic des marchandises entre la France et l'Annam d'une part et la Chine de l'autre, à régler par un Traité de Commerce et de Tarifs à faire dans l'esprit le plus conciliant de la part des négociateurs Chinois et dans des conditions aussi avantageuses que possible pour le commerce Français.

ARTICLE IV.

French Treaties with Annam. Non-use of Language derogatory to China.

Le Gouvernement Français s'engage à n'employer aucune expression de nature à porter atteinte au prestige de la Chine dans la rédaction du Traité Définitif qu'il va contracter avec l'Annam et qui abroge les Traités antérieurs relatifs au Tonkin.

ARTICLE V.

Definitive Treaty to be Concluded.

Dès que la présente Convention aura été signée, les deux Gouvernements nommeront leurs Plénipotentiaires, qui se réuniront dans le délai de trois mois pour traiter définitivement sur les bases ci-dessus arrêtes.

Conformément aux usages diplomatiques, le texte Français fait foi.

Fait à Tien-Tsin, le 11 Mai, 1884, le 17e jour de la 4e lune de la 10e année de Quang-Sha, en quatre expéditions ; deux en langue Française et deux en langue Chinoise, sur lesquelles les Plénipotentiaires respectifs ont signé et apposé le sceau de leurs armes. Chacun des Plénipotentiaires garde un exemplaire de chaque texte.

(L.S.) FOURNIER.

[Seal of Chinese Plenipotentiary.]

(No. 45.) *PROTOCOL between France and China. Cessation of Hostilities. Signed at Paris, 4th April,* 1885.*

Between M. Billot, Minister Plenipotentiary, Director of the Political Department of the Ministry of Foreign Affairs, and James Duncan Campbell, Commissioner and Non-resident Secretary of the Inspector-General of the Chinese Imperial Maritime Customs, of the

* Parliamentary Paper. China, No. 1 (1886). Page 32.

Second Class of Chinese Civil Rank, and Officer of the Legion of Honour.

Being both of them duly authorized to that effect by their respective Governments;

Have agreed upon the following Protocol and explanatory note annexed thereto:—

1. *Protocol.*

ARTICLE I.

On the one part China consents to ratify the Convention of Tien-tsin of the 11th May, 1884 (**No. 44**), and on the other part, France declares that she has no other end in view than the full and entire execution of this Treaty.

ARTICLE II.

The two Powers consent to a general cessation of hostilities as soon as the necessary orders can be given and received, and France consents to the immediate raising of the blockade of Formosa.

ARTICLE III.

France consents to send a Minister to the north, *i.e.*, to Tien-tsin or Peking, to arrange the details of the Treaty, and the two Powers shall then fix a date for the withdrawal of the troops.

Done at Paris, the 4th April, 1885.

BILLOT.
CAMPBELL.

2. *Note Explanatory of the Protocol of April* 4, 1885.

1. As soon as an Imperial Decree shall have been promulgated ordering the execution of the Treaty of the 11th May, 1884 (**No. 44**), and therefore enjoining the Chinese troops who are at present at Tonquin to retire over the frontier, all military operations shall be suspended by land and by sea, at Formosa and on the Chinese coasts. The commanding officers of the French troops in Tonquin will receive orders not to cross the Chinese frontier.

2. As soon as the Chinese troops shall have received orders to re-cross the frontier, the blockade of Formosa and of Pak-Hoï will be raised, and the French Minister will enter into official relations with the Plenipotentiaries appointed by the Emperor of China, to negotiate and conclude with the least possible delay a definitive Treaty of Peace, Friendship, and Commerce. This Treaty shall fix the date on which the French troops shall evacuate the northern part of Formosa.

3. To insure the order for re-crossing the frontiers being communicated as soon as possible by the Chinese Government to the

troops of Yünnan, the French Government will afford every facility for such order to reach the commanding officers of the Chinese troops by way of Tonquin.

4. Considering, however, that the order for the cessation of hostilities and for withdrawal cannot reach the French and the Chinese and their respective forces on the same day, it is understood that the cessation of hostilities, the commencement of the evacuation, and the conclusion thereof shall take place on the following dates :—

The 10th, 20th, and 30th April for the troops east of Tuyan Quan.

The 20th and 30th April and the 30th May for the troops to the west of that place.

The commanding officer who shall first receive the order to cease hostilities shall be bound to communicate the news to the nearest hostile force, and shall abstain thenceforward from any hostile movement, attack, or collision.

5. During the entire period of the armistice, and until the signature of the definitive Treaty, the two parties undertake not to convey to Formosa either troops or munitions of war.

As soon as the definitive Treaty shall have been signed and approved by Imperial Decree, France shall withdraw her ships of war employed in search duty, &c., on the high seas, and China shall reopen her Treaty Ports to French vessels, &c.

Done at Paris, the 4th April, 1885.

BILLOT.
CAMPBELL.

(**No. 46.**) *TREATY of Peace, Friendship, and Commerce between France and China. Signed at Tientsin, 9th June,* 1885.

[Ratifications exchanged at Peking, November 28, 1885.]

Le Président de la République Française et Sa Majesté l'Empereur de Chine, animés l'un et l'autre d'un égal désir de mettre un terme aux difficultés auxquelles a donné lieu leur intervention simultanée dans les affaires de l'Annam, et voulant rétablir et améliorer les anciennes relations d'amitié et de commerce qui ont existé entre la France et la Chine, ont résolu de conclure un nouveau Traité répondant aux intérêts communs des deux nations, en prenant pour base la Convention Préliminaire signée à Tien-tsin, le 11 Mai, 1884 (**No. 44**), ratifiée par Décret Impérial le 13 Avril, 1885.

A cet effet les deux Hautes Parties Contractantes ont nommé pour leurs Plénipotentiaires, savoir :

[Here follow the names of the Plenipotentiaries.]

Lesquels, après s'être communiqué leurs pleins pouvoirs, qu'ils ont reconnus en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Maintenance of Order in Province of Annam.

La France s'engage à rétablir et à maintenir l'ordre dans les provinces de l'Annam qui confluent à l'Empire Chinois. A cet effet elle prendra les mesures nécessaires pour disperser ou expulser les bandes de pillards et gens sans aveu qui compromettent la tranquillité publique et pour empêcher qu'elles ne se reforment.

Frontier between Tonkin and China to be respected by France.

Toutefois, les troupes Françaises ne pourront, dans aucun cas, franchir la frontière qui sépare le Tonkin de la Chine, frontière que la France promet de respecter et de garantir contre toute agression.

Bands of Robbers in China Provinces near Tonkin to be dispersed. Chinese Troops not to be sent to Tonkin.

De son côté, la Chine s'engage à disperser ou à expulser les bandes qui se réfugieraient dans ses provinces limitrophes du Tonkin, et à disperser celles qui chercheraient à se former sur son territoire pour aller porter le trouble parmi les populations placées sous la protection de la France ; et en considération des garanties qui lui sont données quant à la sécurité de sa frontière, elle s'interdit pareillement d'envoyer des troupes au Tonkin.

Les Hautes Parties Contractantes fixeront par une Convention spéciale les conditions dans lesquelles s'effectuera l'extradition des malfaiteurs entre la Chine et l'Annam.

Protection of Chinese in Annam.

Les Chinois, colons ou anciens soldats, qui vivent paisiblement en Annam, en se livrant à l'agriculture, à l'industrie, ou au commerce, et dont la conduite ne donnera lieu à aucun reproche, jouiront pour leurs personnes et pour leurs biens de la même sécurité que les protégés Français.

ARTICLE II.

Treaties between France and Annam to be respected by China.

La Chine, décidée à ne rien faire qui puisse compromettre l'œuvre de pacification entreprise par la France, s'engage à respecter, dans le présent et dans l'avenir, les Traités, Conventions, et Arrangements directement intervenus ou à intervenir entre la France et l'Annam.

Relations between China and Annam.

En ce qui concerne les rapports entre la Chine et l'Annam, il est entendu qu'ils seront de nature à ne point porter atteinte à la dignité de l'Empire Chinois et à ne donner lieu à aucune violation du présent Traité.

ARTICLE III.*

Boundary Commissioners to be appointed.

Dans un délai de six mois, à partir de la signature du présent Traité, des Commissaires désignés par les Hautes Parties Contractantes se rendront sur les lieux pour reconnaître la frontière entre la Chine et le Tonkin. Ils poseront, partout où besoin sera, des bornes destinées à rendre apparente la ligne de démarcation. Dans le cas où ils ne pourraient se mettre d'accord sur l'emplacement de ces bornes ou sur les rectifications de détail qu'il pourrait y avoir lieu d'apporter à la frontière actuelle du Tonkin, dans l'intérêt commun des deux pays, ils en référeraient à leurs Gouvernements respectifs.

ARTICLE IV.

Passports.

Lorsque la frontière aura été reconnue, les Français ou protégés Français et les habitants étrangers du Tonkin, qui voudront la franchir pour se rendre en Chine, ne pourront le faire qu'après s'être munis préalablement de passeports délivrés par les autorités Chinoises de la frontière, sur la demande des autorités Françaises. Pour les sujets Chinois, il suffira, d'une autorisation délivrée par les autorités Impériales de la frontière.

Les sujets Chinois qui voudront se rendre de Chine au Tonkin, par la voie de terre, devront être munis de passeports réguliers, délivrés par les autorités Françaises, sur la demande des autorités Impériales.

ARTICLE V.

Frontier Trade between China and Tonkin.

Le commerce d'importation et d'exportation sera permis aux négociants Français ou protégés Français et aux négociants Chinois par la frontière de terre entre la Chine et le Tonkin. Il devra se faire toutefois par certains points qui seront déterminés ultérieurement, et dont le choix, ainsi que le nombre, seront en rapport avec la direction comme avec l'importance du trafic entre les deux pays. Il sera tenu compte, à cet égard, des règlements en vigueur dans l'intérieur de l'Empire Chinois.

En tout état de cause, deux de ces points seront désignés sur la frontière Chinoise, l'un au-dessus de Lao-Kaï, l'autre au-delà de Lang-Son. Les commerçants Français pourront s'y fixer dans les mêmes conditions et avec les mêmes avantages que dans les ports ouverts au commerce étranger. Le Gouvernement de Sa Majesté

* See Convention of 26th June, 1887 (No. 49).

l'Empereur de Chine y installera des douanes, et le Gouvernement de la République pourra y entretenir des Consuls dont les privilèges et les attributions seront identiques à ceux des Agents de même ordre dans les ports ouverts.

Appointment of Chinese Consuls.

De son côté, Sa Majesté l'Empereur de Chine pourra, d'accord avec le Gouvernement Français, nommer des Consuls dans les principales villes du Tonkin.

ARTICLE VI.

Trade Regulations between Tonkin and Yünnan, Kwang-si, and Kwang-tung.

Un Règlement spécial,* annexé au présent Traité, précisera les conditions dans lesquelles s'effectuera le commerce par terre entre le Tonkin et les Provinces Chinoises du Yun-Nan, du Kouang-Si, et du Kouang-Tong. Ce Règlement sera élaboré par des Commissaires qui seront nommés par les Hautes Parties Contractantes, dans un délai de trois mois après la signature du présent Traité.

Les marchandises faisant l'objet de ce commerce seront soumises, à l'entrée et à la sortie, entre le Tonkin et les Provinces du Yun-Nan et du Kouang-Si, à des droits inférieurs à ceux que stipule le tarif actuel du commerce étranger. Toutefois, le tarif réduit ne sera pas appliqué aux marchandises transportées par la frontière terrestre entre le Tonkin et le Kouang-Tong, et n'aura pas d'effet dans les ports déjà ouverts par les Traités.

Trade in Arms and Munitions of War.

Le commerce des armes, engins, approvisionnements, et munitions de guerre de toute espèce sera soumis aux lois et règlements édictés par chacun des États Contractants sur son territoire.

Opium Trade.

L'exportation et l'importation de l'opium seront régies par des dispositions spéciales qui figureront dans le Règlement Commercial susmentionné.

Trade by Sea with China and Annam.

Le commerce de mer entre la Chine et l'Annam sera également l'objet d'un Règlement particulier. Provisoirement, il ne sera nnové en rien à la pratique actuelle.

ARTICLE VII.

Construction of Railways.

En vue de développer dans les conditions les plus avantageuses les relations de commerce et de bon voisinage que le présent Traité

* The Regulations in question were drawn up in the first instance between M. Cagordan and the Viceroy, Li-Hung-Chang, and signed at Tientsin on 25th April, 1886, (**No. 47**), and were subsequently modified by an Additional Convention signed by M. Constans and the Tsung-li-Yamên on the 26th June, 1887 (**No. 48**).

a pour objet de rétablir entre la France et la Chine, le Gouvernement de la République construira des routes au Tonkin et y encouragera la construction de chemins de fer.

Lorsque, de son côté, la Chine aura décidé de construire des voies ferrées, il est entendu qu'elle s'adressera à l'industrie Française, et le Gouvernement de la République lui donnera toutes les facilités pour se procurer en France le personnel dont elle aura besoin. Il est entendu aussi que cette clause ne peut être considérée comme constituant un privilège exclusif en faveur de la France.

ARTICLE VIII.

Duration of Commercial Stipulations.

Les stipulations commerciales du présent Traité et les règlements à intervenir pourront être revisés après un intervalle de 10 ans révolus à partir du jour de l'échange des ratifications du présent Traité. Mais, au cas où, six mois avant le terme, ni l'une ni l'autre des Hautes Parties Contractantes n'aurait manifesté le désir de procéder à la revision, les stipulations commerciales resteraient en vigueur pour un nouveau terme de 10 ans et ainsi de suite.

ARTICLE IX.

Evacuation of Chinese Territory by French Forces.

Dès que le présent Traité aura été signé, les forces Françaises recevront l'ordre de se retirer de Kelung et de cesser la visite, &c., en haute mer. Dans le délai d'un mois après la signature du présent Traité, l'Ile de Formose et les Pescadores seront entièrement évacuées par les troupes Françaises.

ARTICLE X.

Confirmation of existing Treaties as hereby modified.

Les dispositions des anciens Traités, Accords, et Conventions entre la France et la Chine non modifiés par le présent Traité restent en pleine vigueur.

Ratifications.

Le présent Traité sera ratifié dès à présent par Sa Majesté l'Empereur de Chine, et, après qu'il aura été ratifié par le Président de la République Française, l'échange des ratifications se fera à Pékin dans le plus bref délai possible.

Fait à Tien-tsin, en quatre exemplaires, le 9 Juin, 1885, correspondant au 27e jour de la 4e lune de la 11e année Kouang-Sien.

(L.S.) PATENOTRE.
(L.S.) SI TCHEN.
(L.S.) LI HONG CHANG.
(L.S.) TENG TCHENG SIEOU.

(No. 47.) *COMMERCIAL CONVENTION between France and China. Signed at Tientsin, 25th April,* 1886.*

Le Président de la République française et S. M. l'Empereur de Chine, désirant conclure, conformément aux dispositions de l'article 6 du traité du 9 juin, 1885 (**No. 46**), une convention pour régler les conditions dans lesquelles s'effectuera le commerce par terre entre le Tonkin et les provinces méridonales de l'empire, et prenant, d'autre part, en considération l'article 10 du même acte, qui maintient les anciens traités, accords et conventions conclus entre la France et la Chine, ont nommé pour leurs plénipotentiaires savoir :

Le Président de la République française,

Le sieur François-George Cogordan, Ministre plénipotentiaire, sous-directeur des Affaires politiques au Ministère des Affaires étrangères, etc., envoyé en mission extraordinaire en Chine.

Assisté du sieur François-Edmond Bruwaert, Consul de France, etc.

Et S. M. l'Empereur de Chine :

Li-Hong-Tchang, commissaire impérial, premier grand secrétaire d'État, grand précepteur honoraire de l'héritier présomptif, surintendant du commerce des ports du Nord, directeur-adjoint des armées navales, gouverneur général de la province Tché-Li, appartenant au premier degré du troisième rang de la noblesse, avec le titre de Sou-Yi ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qui ont été reconnus en bonne et due forme, sont convenus des stipulations suivantes :

ARTICLE I.

Two localities to be opened to Commerce : one north of Langson, the other above Laokai. Appointment of French Consuls.

Aux termes de l'article 5 du traité au 9 juin, 1885 (**No. 46**), les Hautes Parties contractantes conviennent qu'il y a lieu, quant à présent, d'ouvrir au commerce deux localités, l'une au nord de Langson et l'autre au-dessus de Laokaï.

La Chine y établira des bureaux de douane et la France aura la faculté d'y nommer des Consuls qui jouiront de tous les droits et priviléges concédés en Chine aux Consuls de la nation la plus favorisée.

Les travaux de la Commission chargée de la délimitation des deux pays ne se trouvant pas terminés au moment de la signature de la présente convention, la localité à ouvrir au commerce au nord de Langson devra être choisie et déterminée dans le courant de la présente année, après entente entre le Gouvernement impérial et le

* De Clercq's Treaties. Vol. 17. Page 164. Cette convention a été ratifiée immédiatement par l'Empereur de la Chine : la ratification du Président de la République est datée de la fin de novembre, 1888 ; jusqu'ici (décembre, 1890) l'échange officiel des ratifications n'a pas encore été effectué. (See Additional Convention, 26 June, 1887, **No. 48.**)

Réprésentant de la France à Pékin. Quant à la localité qui devra être ouverte au commerce au-dessus de Laokaï, elle sera également déterminée d'un commun accord, à la suite des travaux de reconnaissance de la frontière entre les deux pays.

ARTICLE II.

Appointment of Chinese Consuls at Hanoi and Haiphong and in other cities of Tonkin.

Le Gouvernement impérial pourra nommer des Consuls à Hanoï et à Haïphong. Des Consuls chinois pourront aussi être envoyés plus tard dans d'autres grandes villes du Tonkin, après entente avec le Gouvernement français. Ces agents seront traités de la même manière et auront les mêmes droits et privilèges que les Consuls de la nation la plus favorisée établis en France. C'est avec les autorités françaises chargées du protectorat qu'ils entretiendront tous leurs rapports officiels.

ARTICLE III.

Local Authorities to facilitate the Establishment of Consulates. Annamites to enjoy Most-favoured-nation Treatment in the open Ports.

Il est convenu de part et d'autre que, dans les localités où des Consuls seront envoyés, les autorités respectives s'emploieront à faciliter l'installation de ces agents dans des résidences honorables.

Les Français pourront s'établir dans les localités ouvertes au commerce à la frontière de Chine dans les conditions prévues par les articles 7, 10, 11, 12 et autres du traité du 27 juin, 1858 (**No. 40**). Les Annamites jouiront dans ces localités du même traitement privilégié.

ARTICLE IV.

Chinese may possess Land, erect Buildings, open houses of Commerce, and hold Shops in Annam. Their Persons and Property to be protected. Transmission of Correspondence and Telegrams. France to receive the same Privileges from China.

Les Chinois auront le droit de posséder des terrains, d'élever des constructions, d'ouvrir des maisons de commerce et d'avoir des magasins dans tout l'Annam. Ils obtiendront pour leur personne, leurs familles et leurs biens, protection et sécurité, à l'égal des sujets de la nation européenne la plus favorisée et, comme ces derniers, ils ne pourront être l'objet d'aucun mauvais traitement. Les correspondances officielles et privées, les télégrammes des fonctionnaires et commerçants chinois seront transmis sans difficulté par les administrations postale et télégraphique françaises.

Les Français recevront de la Chine le même traitement privilégié.

ARTICLE V.

Passports.

Les Français, protégés français ou étrangers établis au Tonkin pourront franchir la frontière et pénétrer en Chine, à la condition d'être munis de passeports. Ces passeports seront délivrés par les autorités chinoises de la frontière, à la requête des autorités françaises, qui les demanderont seulement en faveur de personnes honorables : ils seront rendus au retour et annulés. Lorsqu'un voyageur devra traverser une localité occupée par des aborigènes ou des sauvages, il sera mentionné sur le passeport qu'il n'y a pas dans cette localité de fonctionnaire chinois qui puisse le protéger.

Les Chinois qui voudront se rendre de Chine au Tonkin par la voie de terre devront de la même manière être munis de passeports délivrés par les autorités françaises à la requête des autorités chinoises qui les demanderont seulement en faveur de personnes honorables.

Les passeports ainsi délivrés de part et d'autre serviront simplement de titre de voyage et ne pourront pas être considérés comme des certificats d'exemption de taxe pour le transport des marchandises.

Les autorités chinoises sur le sol chinois et les autorités françaises au Tonkin auront le droit d'arrêter les personnes qui auraient franchi la frontière sans passeport et de les remettre aux mains de l'autorité respective pour être jugées et punies s'il y a lieu.

Les Chinois habitant l'Annam pourront rentrer du Tonkin en Chine en obtenant simplement des autorités impériales un laisser-passer, leur permettant de franchir la frontière.

Les Français et autres personnes établis dans les localités ouvertes à la frontière pourront circuler sans passeport dans un rayon de 50 lis, autour de ces localités.

ARTICLE VI.*

Merchandise imported into China. Transit Dues. Customs. Foreign Goods.

Les marchandises importées dans les localités ouvertes au commerce à la frontière de Chine par les négociants français et les protégés français peuvent, après acquittement des droits d'importation, être transportées sur les marchés intérieurs de la Chine dans les conditions fixées par le 7e règlement annexe du traité du 27 juin, 1858 (**No. 40**), et par les règlements généraux de la douane maritime sur les passes de transit à l'importation.

Dès que des marchandises étrangères seront importées dans ces localités, déclaration devra être faite en douane de la nature et de la quantité de ces marchandises ainsi que du nom de la personne qui les accompagne. La douane fera procéder à la vérification et

* Provisionally modified by Additional Convention of 26th June, 1887 (**No. 48**).

percevra le droit du tarif général de la douane maritime chinoise diminué d'un cinquième. Les articles non dénommés au tarif resteront passibles du droit de 5 0/0 *ad valorem*. Ce n'est qu'après que le droit aura été payé que les marchandises pourront sortir de magasin, être expédiées et vendues. Le négociant qui voudrait envoyer dans l'intérieur des marchandises étrangères devra faire une nouvelle déclaration en douane, et payer, sans réduction, le droit de transit inscrit dans les règlements généraux de la douane maritime chinoise. Après ce payement, la douane délivrera une passe de transit qui permettra au porteur de se rendre dans la localité désignée sur la passe pour y disposer desdites marchandises.

A ces conditions, aucune perception nouvelle ne sera faite au passage des barrières intérieures et des bureaux du likin.

Les marchandises pour lesquelles des passes de transit n'auraient pas été demandées seront passibles de tous les droits de barrière et de likin imposés aux produits indigènes dans l'intérieur du pays.

ARTICLE VII.*

Merchandise exported from China. Transit dues, &c. Yünnan and Kwang-si Custom-Houses. France to participate in any new Customs Tariff.

Les marchandises achetées par des Français ou des protégés français sur les marchés intérieurs de la Chine peuvent être amenées dans les localités ouvertes de la frontière pour être, de là, exportées au Tonkin, dans les conditions fixées par le 7e règlement annexe du traité du 27 juin, 1858 (**No. 40**), sur le transit des marchandises d'exportation.

Lorsque des marchandises chinoises arriveront dans ces localités pour être exportées, déclaration devra être faite en douane de la nature et de la quantité de ces marchandises, ainsi que du nom de la personne qui les accompagne. La douane fera procéder à la vérification. Celles de ces marchandises qui auraient été achetées à l'intérieur par le négociant muni d'une passe de transit, et qui n'auraient, dès lors, acquitté ni taxe de likin, ni taxe de barrière auront d'abord à payer le droit de transit inscrit au tarif général de la douane maritime chinoise. Elles payeront ensuite le droit d'exportation du tarif général diminué de 1/3. Les articles non dénommés au tarif resteront passibles du droit de 5 0/0 *ad valorem*. Après l'acquittement de ces taxes, les marchandises pourront sortir librement et être expédiées au-delà de la frontière.

Le négociant qui, ayant acheté des marchandises dans l'intérieur, ne sera pas muni d'une passe de transit, devra acquitter au passage des bureaux de perception les taxes de barrière et de likin; des récépissés devront lui être délivrés. A son arrivée à la douane, il sera exempté du paiement du droit de transit sur le vu de ces récépissés.

* Provisionally modified by Additional Convention of 26th June, 1887 (**No. 48**).

Les commerçants français et protégés français important ou exportant des marchandises par les bureaux de douane de la frontière du Yun-Nan et du Kouang-Si et les commerçants chinois important ou exportant des marchandises au Tonkin n'auront à acquitter aucune taxe de péage pour leurs voitures ou leurs bêtes de somme. Sur les cours d'eau navigables franchissant la frontière, les barques pourront être, de part et d'autre, soumises à un droit de tonnage, conformément au règlement de la douane maritime des deux pays.

En ce qui concerne les dispositions du présent article et du précédent, il est convenu, entre les Hautes Parties contractantes que, si un nouveau tarif douanier vient à être établi, d'un commun accord, entre la Chine et une tierce puissance pour le commerce par terre sur les frontières sud-ouest de l'Empire chinois, la France pourra en obtenir l'application.

ARTICLE VIII.

Re-exportation of Foreign Merchandise from China.

Les marchandises étrangères qui, n'ayant pu être vendues, seraient, dans un délai de trente-six mois, après avoir acquitté le droit d'importation à l'une des douanes frontières chinoises, réexpédiées vers l'autre douane frontière, seront examinées à la première de ces douanes, et si les enveloppes en sont restées intactes, si rien n'en a été distrait ou changé, elles recevront un certificat d'exemption du montant de la taxe primitivement perçue. Le porteur de ce certificat d'exemption pourra le remettre à l'autre douane frontière à l'acquit du nouveau droit qu'il aura à payer. La douane pourra également délivrer des bons valables pendant 3 ans, pour tout payement ultérieur à faire au même bureau. Il ne sera jamais rendu d'argent.

Si ces mêmes marchandises sont réexpédiées vers un des ports ouverts de la Chine, elles y seront, conformément à la règle générale de la douane maritime chinoise, soumises au droit d'importation, sans qu'on puisse y faire usage de ces certificats ou bons de douanes frontières. Il ne sera pas non plus possible d'y présenter à l'acquit des droits les quittances délivrées par les douanes frontières lors du premier versement. Quant aux droits de transit, une fois acquittés, ils ne pourront jamais, conformément aux règlements appliqués dans les ports ouverts, donner lieu à la délivrance de bons au certificats d'exemption.

ARTICLE IX.*

Re-importation of Chinese Merchandise.

Les marchandises chinoises qui, après avoir acquitté à l'un des bureaux de la frontière les droits de transit et d'exportation, seraient réexpédiées vers l'autre douane frontière pour être

* Modified by Convention of 20th June, 1895 (No. 53).

vendues, ne seront soumises, à leur arrivée à cette seconde douane, qu'au payement, à titre de droit de réimportation, de la moitié du droit d'exportation déjà perçu. Ces marchandises ne pourront alors, conformément aux règlements établis dans les ports ouverts, être transportées dans l'intérieur par les commerçants étrangers.

Si ces marchandises chinoises sont transportées dans un des ports ouverts de la Chine, elles seront assimilées à des marchandises étrangères, et devront acquitter un nouveau droit entier d'importation, conformément au tarif général de la douane maritime.

Ces marchandises seront admises à payer le droit de transit pour pénétrer dans l'intérieur.

Les marchandises chinoises exportées d'un port de mer de Chine vers un port annamite, pour être, de là, transportées à la frontière de terre et rentrer ensuite en territoire chinois, seront traitées comme marchandises étrangères, et devront payer le droit local d'importation. Ces marchandises seront admises à payer le droit de transit pour pénétrer dans l'intérieur.

ARTICLE X.

Chinese Customs Declarations. Smuggling. False Declarations. Penalties. Trade on Navigable Rivers.

Les déclarations en douanes chinoises devront être faites dans les trente-six heures qui suivront l'arrivée des marchandises importées ou exportées, sous peine d'une amende de 50 taëls par chaque jour de retard, sans que cette amende puisse excéder 200 taëls.

Une déclaration inexacte de la quantité des marchandises, s'il est prouvé qu'elle a été faite dans l'intention d'échapper au payement des droits, entraîne pour le marchand la confiscation de ses marchandises. Les marchandises qui, non munies du permis du chef de la douane, seraient clandestinement introduites par des chemins détournés, déballées et vendues, ou qui seraient l'objet d'un acte intentionnel de contrebande, seront intégralement confisquées. Toute fausse déclaration ou manœuvre tendant à tromper la douane sur la qualité, la quantité, la réelle provenance ou la réelle destination des marchandises appelées à bénéficier des passes de transit, donnera lieu à la confiscation des marchandises. Ces pénalités devront être prononcées dans les conditions et selon la procédure fixées par la règlement du 31 mai, 1868 (**No. 127**).

Dans tous les cas où la confiscation aura été prononcée, le négociant pourra libérer ses marchandises moyennant le versement d'une somme équivalente à leur valeur dûment déterminée par une entente avec les autorités chinoises.

Les autorités chinoises auront toute liberté d'aviser aux mesures à prendre en Chine, le long de la frontière, pour empêcher la contrebande.

Les marchandises descendant ou remontant les voies navigables

à bord de bateaux français, annamites ou chinois, ne devront pas être nécessairement débarquées à la frontière, à moins qu'il n'y ait apparence de fraude ou divergence entre l'état de la cargaison et les déclarations du manifeste. La douane ne pourra qu'envoyer à bord desdits bateaux des agents pour en faire la visite.

ARTICLE XI.

Export and Import of Chinese Goods from and to Tonkin. Excise Duties at Tonkin.

Les produits d'origine chinoise importés au Tonkin par la frontière de terre auront à acquitter le droit d'importation du tarif franco-annamite. Ils ne payeront aucun droit d'exportation à la sortie du Tonkin. Il sera donné communication au Gouvernement impérial du nouveau tarif que la France établira au Tonkin.

S'il est établi au Tonkin des taxes d'accise, de consommation ou de garantie sur certains articles de production indigène, les produits similaires chinois auront à subir, à l'importation, des taxes équivalentes.

ARTICLE XII.

Chinese Goods in transit through Tonkin. Penalties for false Declarations. The same Rules to be applicable to Annam.

Les marchandises chinoises qui seraient transportées à travers le Tonkin d'une des deux douanes frontières vers l'autre douane frontière ou vers un port annamite, pour être de là exportées en Chine, seront soumises à un droit spécifique de transit qui ne dépassera pas 2 0/0 de la valeur ; au point de sortie du territoire chinois, ces marchandises devront être reconnues par l'autorité douanière française de la frontière, qui en spécifiera la nature, la quantité et la destination dans des certificats d'origine destinés à être produits à toute réquisition des autorités françaises, durant le parcours à travers le Tonkin, ainsi qu'au port de transbordement.

Afin de garantir la douane franco-annamite contre toute fraude possible, ces produits chinois acquitteront à l'entrée du Tonkin le droit d'importation.

Un passe-debout les accompagnera jusqu'à la sortie soit par le port de transbordement, soit à la frontière terrestre, et les sommes versées par le propriétaire des marchandises lui seront, déduction faite du droit de transit, restituées à ce moment, s'il y a lieu, en échange du récépissé délivré par les douanes du Tonkin.

Toute fausse déclaration ou manœuvre tendant d'une manière évidente à tromper l'administration française sur la qualité, la quantité, la réelle provenance ou la réelle destination des marchandises appelées à jouir du traitement spécial applicable aux produits chinois qui traverseront le Tonkin en transit, donnera lieu à la confiscations des marchandises.

Dans tous les cas où la confiscation aura été prononcée, le négociant pourra libérer ses marchandises moyennant le payement d'une somme équivalente à leur valeur dûment déterminée par une entente avec les autorités françaises.

Les mêmes règles et la même taxe de transit seront applicables en Annam aux merchandises chinoises qui seraient expédiées d'un port de Chine vers un port annamite pour gagner, de là, les douanes frontières chinoises à travers le Tonkin.

ARTICLE XIII.

Dutiable Goods for personal use.

Les articles suivants :

L'or et l'argent en barres ;
La monnaie étrangère ;
La farine, la farine de maïs, le sagou ;
Le biscuit ;
Les conserves de viandes et de légumes ;
Le fromage, le beurre, les sucreries ;
Les vêtements étrangers ;
La bijouterie ;
L'argenterie ;
La parfumerie ;
Les savons de toute espèce ;
Le charbon de bois ;
Le bois à brûler ;
Les bougies et la chandelle étrangères ;
Le tabac ;
Le vin, la bière, les spiritueux ;
Les articles de ménage ;
Les provisions pour les navires ;
Les bagages personnels ;
La papeterie ;
Les articles de tapisserie ;
La coutellerie ;
Les articles de droguerie et les médicaments étrangers ;
La verrerie ;

Seront vérifiés par la douane chinoise à l'entrée et à la sortie ; s'ils sont réellement de provenance étrangère et destinés à l'usage personnel des étrangers, et s'ils arrivent en quantité modérée, un certificat d'exemption des droits sera délivré, qui en permettra le libre passage à la frontière.

Si ces articles sont soustraits à la déclaration à la formalité du certificat d'exemption, leur introduction clandestine les rendra passibles d'amendes, au même titre que les marchandises passées en contrebande.

A l'exception de l'or, de l'argent, de la monnaie et des bagages *qui* resteront exempts de droits, les articles ci-dessus mentionnés

destinés à l'usage personnel des étrangers et importés en quantité modérée, payeront, lorsqu'ils seront transportés à l'intérieur de la Chine, un droit de transit, de 2 1/2 0/0 *ad valorem*.

Les douanes franco-annamites de la frontière ne percevront, à l'entrée comme à la sortie du Tonkin, aucun droit soit sur les objets suivants d'usage personnel que les Chinois transporteraient avec eux : monnaie, bagages, vêtements, ornements de coiffures de femme, papiers, pinceaux, encre de Chine, livres, mobiliers et aliments ; soit sur les produits que les Consuls de Chine, au Tonkin, feraient venir pour leur consommation personnelle.

ARTICLE XIV.

Transport of Opium prohibited.

Les Hautes Parties contractantes conviennent, d'interdire le commerce et le transport de l'opium de toute provenance par la frontière de terre entre le Tonkin, d'une part, et le Yunnan, le Kouangsi et le Kouang-Tong, d'autre part.

ARTICLE XV.

Export of Rice and Cereals from China prohibited ; Import of same free. Import into China of certain specified articles prohibited. Import of Arms, &c., for Chinese Authorities free. Introduction into Tonkin of Arms, &c., prohibited.

L'exportation du riz et des céréales sera interdite en Chine. L'importation de ces articles s'y fera en franchise de droits. Il sera interdit d'importer en Chine :

La poudre à canon ;
Les projectiles ;
Les fusils et canons ;
Le salpètre ;
Le soufre ;
Le plomb ;
Le spelter ;
Les armes ;
Le sel ;
Les publications immorales

En cas de contravention, ces articles seront intégralement confisqués. Si les autorités chinoises faisaient acheter des armes ou des munitions, ou si des négociants recevaient l'autorisation expresse d'en acheter, l'importation en serait permise sous la surveillance spéciale de la douane chinoise. Les autorités chinoises pourront, en outre, après entente avec les Consuls de France, obtenir pour les armes et munitions, qu'elles voudraient faire transporter en Chine à travers le Tonkin, l'exemption de tout droit à la douane franco-annamite.

L'introduction au Tonkin d'armes, de munitions de guerre, de publications immorales est également interdite.

ARTICLE XVI.

Chinese residing in Annam to enjoy Most-favoured-nation Treatment. Mixed Tribunals. Jurisdiction.

Les Chinois résidant en Annam seront, sous le rapport de la juridiction en matière criminelle, fiscale ou autre, placés dans les mêmes conditions que les sujets de la nation la plus favorisée. Les procès qui s'élèvront en Chine dans les marchés ouverts de la frontière entre les sujets chinois et les Français ou Annamites, seront réglés, en cour mixte, par des fonctionnaires chinois et français. Pour les crimes ou délits que les Français ou protégés français commettraient en Chine dans les localités ouvertes au commerce, il sera procédé conformément aux stipulations des articles 38, 39 du traité du 27 juin, 1858 (**No. 40**).

ARTICLE XVII.

Mutual Surrender of Criminals and Deserters.

Si, dans les localités ouvertes au commerce à la frontière de Chine, des Chinois déserteurs ou prévenus de crimes qualifiés tels par la loi chinoise se réfugient dans les maisons, ou à bord de barques appartenant à des Français ou à des protégés français, l'autorité locale s'adressera au Consul qui, sur la preuve de la culpabilité des prévenus, prendra immédiatement les mesures nécessaires pour qu'ils soient remis et livrés à l'action régulière des lois.

Les Chinois coupables ou inculpés de crimes ou délits qui chercheraient un refuge en Annam seront, à la requête des autorités chinoises, et sur la preuve de leur culpabilité, recherchés, arrêtés et extradés dans tous les cas où pourraient être extradés de France les sujets du pays jouissant du traitement le plus large en matière d'extradition. Les Français et protégés français coupables ou inculpés de crimes ou de délits, qui chercheraient un refuge en Chine, seront, à la requête des autorités françaises et sur la preuve de leur culpabilité, arrêtés et remis auxdites autorités pour être livrés à l'action régulière des lois ; de part et d'autre on évitera avec soin tout recel et toute connivence.

ARTICLE XVIII.

Provision for dealing with difficulties not foreseen in the preceding Articles. The Stipulations may be revised ten years after exchange of Ratifications.

Pour toute difficulté non prévue par les dispositions précédentes, on recourra aux règlements de la douane maritime qui, conformément aux traités existants, sont actuellement appliqués dans les villes et dans les ports ouverts.

Dans le cas où ces règlements seraient insuffisants, les agents des deux pays en référaient à leurs gouvernements respectifs.

Les présentes stipulations pourront être, aux termes de l'article

8 du traité du 9 juin, 1885 (**No. 46**), revisées dix ans après l'échange des ratifications.

ARTICLE XIX.

Ratifications.

La présente convention de commerce, après avoir été ratifiée par les deux gouvernements, sera promulguée en France, en Chine et en Annam.

L'échange des ratifications aura lieu à Pékin dans le délai d'un an à compter du jour de la signature de la convention, ou plus tôt si faire se peut.

Fait à Tien-Tsin, en quatre exemplaires, le 25 avril, 1886 (correspondant au 22e jour de la lune de la 12e année Kouang-Sin).

(L.S.) G. COGORDAN.
ED. BRUWAERT.

Signature et cachet chinois (LI-HONG-TCHANG).

(**No. 48.**) *ADDITIONAL CONVENTION of Commerce between France and China. Signed at Peking, 26th June*, 1887.

Le Président de la République Française et Sa Majesté l'Empereur de Chine, désireux de favoriser le développement des relations commerciales entre les deux pays et d'assurer la bonne exécution du traité de commerce signé à Tientsin le 25 avril, 1886 (**No. 47**), ont décidé de conclure une convention additionnelle modifiant quelques-unes des dispositions contenues dans le dit acte.

A cet effet les deux Hautes Parties contractantes ont nommé pour leurs plénipotentiaires respectifs, savoir :

Le Président de la République française,

Monsieur Ernest Constans, député, ancien Ministre de l'Intérieur et des Cultes, Commissaire du Gouvernement, Envoyé extraordinaire de la République française en Chine ;

Et Sa Majesté l'Empereur de Chine,

Son Altesse le prince K'ing, prince du second rang, président du Tsoung-li Yamen,

Assisté de

Son Excellence Souen-Yu-Ouen, membre du Tsoung-li Yamen, premier vice-président du Ministère des Travaux publics ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qu'ils ont reconnu en bonne et due forme, sont convenus des articles suivants :

ARTICLE I.

Certain Clauses of Treaty of 25th April, 1886, to be modified.

Le traité signé à Tientsin le 25 avril, 1886 (**No. 47**), sera, immédiatement après l'échange des ratifications, fidèlement mis à exécution dans toutes ces clauses, sauf, bien entendu, celles que la présente convention a pour but de modifier.

ARTICLE II.*

Longchow, Mengtze, and Manhao to be opened to Commerce. Appointment of French Consul at Manhao.

En exécution de l'article premier du traité du 25 avril, 1886 (**No. 47**), il est convenu entre les Hautes Parties contractantes que la ville de *Long-Tcheou* au Kouang-Si et celle de *Mong-Tseu* au Yunnan sont ouvertes au commerce franco-annamite ; il est entendu, en outre, que *Manhao*.† qui se trouve sur la route fluviale de Lao-Kai à Mong-Tseu, est ouvert au commerce comme Long-Tcheou et Mong-Tseu, et que le gouvernement français aura le droit d'y entretenir un agent relevant du consul de cette dernière ville.

ARTICLE III.

Import and Export Duties.

En vue de développer le plus rapidement possible le commerce entre la Chine et le Tonkin, les droits d'importation et d'exportation stipulés dans les article 6 et 7 du traité du 25 avril, 1886 (**No. 47**), sont provisoirement modifiés ainsi qu'il suit :

Les marchandises étrangères importées en Chine par les villes ouvertes auront à acquitter le droit du tarif général de la douane maritime diminué des trois dixièmes.

Les marchandises chinoises exportées au Tonkin paieront le droit d'exportation du dit tarif général diminué des quatre dixièmes.

ARTICLE IV.‡

Export Duties on Chinese Goods, in transit through Tonkin, on leaving a Port of Annam.

Les produits d'origine chinoise qui auront acquitté les droits d'importation conformément au § 1er de l'article 11 du traité du 25 avril, 1886 (**No. 47**), et seront transportés à travers le Tonkin vers un port annamite, pourront être soumis, à la sortie de ce port, s'ils sont à destination d'un autre pays que le Chine, au droit d'exportation fixé par le tarif des douanes franco-annamites.

ARTICLE V.

Chinese Opium for Tonkin. Li-kin *and other Duties.*

Le gouvernement chinois autorise l'exportation de l'opium indigène au Tonkin par la frontière de terre moyennant un droit d'exportation de 20 taëls par picul ou 100 livres chinoises. Les Français ou protégés français ne pourront acheter l'opium qu'à Long-Tcheou, Mong-Tseu et Manhao. Les droits de likin et de

* Modified by Supplementary Convention of 20th June, 1895 (**No. 53**).

† Ho-K'eou was substituted for Manhao by the Convention of 20th June, 1895 (**No. 53**), Article II.

‡ Modified by the Convention of 20th June, 1895 (**No. 53**).

barrières que les commerçants indigènes auront à payer sur ce produit ne dépasseront pas 20 taëls par picul.

Les commerçants chinois qui auront apporté l'opium de l'intérieur remettront à l'acheteur, en même temps que la marchandise, les reçus constatant que le likin a été intégralement acquitté, et l'acheteur présentera ces reçus à la douane, qui les annulera au moment où il effectuera le paiement du droit d'exportation.

Il est entendu que cet opium, dans le cas où il rentrerait en Chine, soit par la frontière de terre, soit par un des ports ouverts, ne pourra être assimilé aux produits d'origine chinoise réimportés.

ARTICLE VI.

Rights of Navigation of French and Annamite Ships, with the exception of Vessels of War, Transports, &c. Tonnage Dues.

Les bateaux français et annamites, à l'exception des bâtiments de guerre et des navires employés au transport de troupes, d'armes ou de munitions de guerre, pourront circuler de Lang-Son à Cao-Bang, et réciproquement, en passant par les rivières (Song-Ki-Kong et rivière de Cao-Bang) qui relient Long-Son à Lang-Tcheou et Long-Tcheou à Cao-Bang.

Il sera prélevé sur ces bateaux, pour chaque parcours, un droit de tonnage de 5 0/0 de taël par tonneau, mais les marchandises composant le chargement n'auront à acquitter aucun droit.

Les marchandises à destination de Chine pourront être transportées par les rivières dont il est question dans le § 1er du présent article, aussi bien que par les routes de terre, et notamment par la route mandarinale qui conduit de Lang-Son à Long-Tcheou ; mais, jusqu'au jour où le gouvernement chinois aura établi un poste de douane à la frontière, les marchandises qui passeront par ces routes de terre ne pourront être vendues qu'après avoir acquitté les droits à Long-Tcheou.

ARTICLE VII.

Most-favoured-nation Treatment.

Il est entendu que la France jouira de plein droit, et sans qu'il soit besoin de négociations préalables, de tous les privilèges et immunités, de quelque nature qu'ils soient, et de tous les avantages commerciaux qui pourraient être accordés dans la suite à la nation la plus favorisée par des traités ou conventions ayant pour objet le règlement des rapports politiques ou commerciaux entre la Chine et les pays situés au sud et au sud-ouest de l'empire chinois.

ARTICLE VIII.

Signature of Convention.

Ayant arrêté d'un commun accord les dispositions ci-dessus, les plénipotentiaires ont opposé leur signature et leur sceau sur deux exemplaires du texte français de la présente convention, ainsi que sur la traduction chinoise qui accompagne chacun de ces exemplaires.

ARTICLE IX.

Stipulations of Convention to be regarded as part of the Treaty of 25th April, 1886.

Les stipulations de la présente Convention additionnelle seront mises en vigueur comme si elles étaient insérées dans le texte même du traité du 25 avril, 1886 (**No. 47**), à partir du jour de l'échange des ratifications desdits traité et convention.

ARTICLE X.

Ratifications.

La présente convention sera ratifiée dès à présent par Sa Majesté l'Empereur de Chine, et, dès qu'elle aura été ratifiée par le Président de la République française, l'échange des ratifications aura lieu à Pékin.

Fait à Pékin, le 26 juin, 1887.

(L.S.) CONSTANS. (L.S.) PRINCE K'ING.

(**No. 49.**) *CONVENTION between China and France respecting the Delimitation of the Frontier between China and Tonkin. Signed at Peking, 26th June,* 1887.*

Delimitation de la Frontière entre la Chine et le Tonkin.

Les commissaires nommés par le Président de la République française et par S. M. l'Empereur de Chine, en exécution de l'article 3 du traité du 9 juin, 1885 (**No. 46**), pour reconnaître la frontière entre la Chine et le Tonkin ayant terminé leurs travaux ;

M. Ernest Constans, député, ancien Ministre de l'Intérieur et des Cultes, commissaire du Gouvernement, envoyé extraordinaire de la République française, d'une part ;

Et S. A. le prince King, prince du second rang, président du Tsoung-li Yamen, assisté de S. Exc. Souen-Yu Quen, membre du Tsoung-li Yamen, premier vice-président du ministère des travaux publics ;

Agissant au nom de leurs Gouvernements respectifs ;

Ont décidé de consigner dans le présent acte les dispositions suivantes destinées à régler définitivement la délimitation de ladite frontière :

1°. Les procès-verbaux et les cartes y annexées qui ont été dressés et signés par les commissaires français et chinois sont et demeurent approuvés ;

2°. Les points sur lesquels l'accord n'avait pu se faire entre les deux commissions, et les rectifications visées par le deuxième para-

* See Convention of 20th June, 1895 (**No. 52**).

graphe de l'article 3 du traité du 9 juin, 1885 (**No. 46**), sont réglés ainsi qu'il suit :

Au Kouang-Tong, il est entendu que les points contestés qui sont situés à l'est et au nord-ouest de Monkaï, au delà de la frontière telle qu'elle a été fixée par la commission de délimitation, sont attribués à la Chine. Les îles qui sont à l'est du méridien de Paris 105°43, de longitude est, c'est-à-dire de la ligne nord-sud passant par la pointe orientale de l'île de Tch'a Kou ou Ouan-chan (Tra-co) et formant la frontière sont également attribuées à la Chine. Les îles Gotho et les autres îles qui sont à l'ouest de ce méridien appartiennent à l'Annam.

Les Chinois coupables ou inculpés de crimes ou délits, qui chercheraient un refuge dans ces îles, seront, conformément aux stipulations de l'article 17 du traité du 25 avril, 1886 (**No. 47**), recherchés, arrêtés et extradés par les autorités françaises.

Sur la frontière du Yun-nan, il est entendu que la démarcation suivra le tracé suivant :

De Keou-teou-tchai (Cao-dao-trai) sur la rive gauche du Siao-tou-tcheou-ho (Tien-do-chu-ha), point M de la carte de la deuxième section, elle se dirige pendant cinquante lis (vingt kilomètres) directement de l'ouest vers l'est en laissant à la Chine les endroits de Tsui-kiang-cho ou Tsui-y-cho (Tu-nghia-xa), Tsui-mei-cho (Tu-mi-xa), Kiang-fei-cho ou Y-fei-cho (Nghia-fi-xa), qui sont au nord de cette ligne, et à l'Annam celui de Yeou-p'ong-cho) Hu-bang-xa) qui en est au sud, jusqu'aux points marqués P et Q sur la carte annexée où elle coupe les deux branches du second affluent de droite du Heï-ho (Hac-ha) ou Tou-tcheou-ho (Do-chu-ha). A partir du point Q, elle s'infléchit vers le sud-est d'environ 15 lis (6 kilomètres) jusqu'au point R, laissant à la Chine le territoire de Nan-tan (Nam-don) and nord de ce point R ; puis, à partir de ce dit point, remonte vers le nord-est jusqu'au point S, en suivant la direction tracée sur la carte par la ligne R-S, le cours du Nan-teng-ho (Nam-dang-ha) et les territoires de Man-meï (Man-mi), de Meng-tong-chang-ts'oun (Muang-dong-troung-thon), de Mong-toung-chan (Muong-dong-son), de Meng-toung-tchoung-ts'oun (Muong-dong-truong-thon), et de Meng-toung-chia-ts'ou (Muong-dong-ha-thon) restant à l'Annam.

A partir du point S (Meng-toung-chia-ts'oun ou Mung-dong-ha-thon), le milieu du Ts'ing-chouei-ho (Than thuy ha) indique jusqu'à son confluent, en T, avec la rivière Claire, la frontière adoptée.

Du point T, son tracé est marqué par le milieu de la rivière Claire jusqu'au point X, à hauteur de Tch'ouan-teou (Thuyen dan).

Du point X, elle remonte vers le nord jusqu'au point Y, en passant par Paiche-yai (Bach-thach-giai) et Lao-ai-k'an (Lao-hai-kan), la moitié de chacun de ces deux endroits appartenant à la Chine et à l'Annam ; ce qui est à l'est appartient à l'Annam, ce qui est à l'ouest à la Chine.

A partir du point Y, elle longe, dans la direction du nord, la rive droite du petit affluent de gauche de la rivière Claire qui la reçoit entre Pien-pao-kia (Bien-bao-kha), et Pei-pao (Bac-bao) et gagne ensuite Kao-ma-paï (Cao-ma-bach), point Z, où elle se raccorde avec le tracé de la troisième section.

A partir de Long-po-tchaï (cinquième section), la frontière commune du Yunnan et de l'Annam remonte le cours du Long-po-ho jusqu'à son confluent avec le Ts'ing-chouei-ho, marqué A sur la carte ; du point A, elle suit la direction générale du nord-est au sud-ouest jusqu'au point indiqué B sur la carte, endroit où la Saï-kiang-ho reçoit le Mien-chouei-ouan ; dans ce parcours, la frontière laisse à la Chine le cours du Ts'ing-chouei-ho.

Du point B, la frontière a la direction est-ouest jusqu'au point C où elle rencontre le Teng-tiao-tchiang au-dessous de Ta-chou-tchio. Ce qui est au sud de cette ligne appartient à l'Annam, ce qui est au nord, à la Chine.

Du point C, elle redescend vers le sud en suivant le milieu de la rivière Teng-tiao-Tchiang jusqu'à son confluent au point D avec le Tsin-tse-ho.

Elle suit ensuite le Tsin-tse-ho pendant environ 30 lis et continue dans la direction est-ouest jusqu'au point D où elle rencontre le petit ruisseau qui se jette dans la rivière Noire (Hei-tciang ou Hac-giang) à l'est du bac de Meng-pang. Le milieu de ce ruisseau sert de frontière du point E au point F.

A partir du point F, le milieu de la rivière Noire sert de frontière à l'ouest.

Les autorités locales chinoises et les agents désignés par le résident général de la République française en Annam et au Tonkin seront chargés de procéder à l'abornement, conformément aux cartes dressées et signées par la commission de délimitation et au tracé ci-dessus.

Au présent acte sont annexées trois cartes en deux exemplaires, signées et scellées par les deux parties. Sur ces cartes, la nouvelle frontière est tracée par un trait rouge et indiquée sur les cartes du Yunnan par les lettres de l'alphabet français et les caractères cycliques chinois.

Fait à Pékin, en double expédition, le 26 juin, 1887.

CONSTANS.

(*Cachet de la légation de France à Pékin.*)
(*Signature et cachet du plénipotentiaire chinois.*)

(**No. 50.**) *CONVENTION between China and France for the establishment of Telegraph Lines. Signed at Chefoo, 1st December,* 1888.*

[Signed also in Chinese.]

Le Gouvernement de la République française et le Gouvernement de l'Empire chinois, désireux de faciliter la transmission des correspondances télégraphiques internationales, ont résolu de conclure une Convention ayant pour objet le raccordement des lignes télégraphiques du Tonkin avec les lignes télégraphiques chinoises, et ont, en conséquence, nommé pour négocier et signer ladite Convention des commissaires munis de pouvoirs spéciaux, savoir :

[Here follow the names of the Commissioners.]

Lesquels, après s'être communiqué leurs pleins pouvoirs qui ont été reconnus en bonne et due forme, sont convenus des stipulations suivantes :

ARTICLE I.

Les lignes télégraphiques françaises et les lignes télégraphiques chinoises seront reliées à la frontière du Tonkin et de la Chine, dans le but de transmettre de la manière ci-après indiquée les correspondances internationales.

ARTICLE II.†

Les raccordements seront établis :

A. Entre la station français de Dongdang, au Tonkin, et la station chinoise de Tcheun-Nan-Kouan, dans la province de Kouang-si.

B. Entre la station français de Monkai, au Tonkin, et la station chinoise de Tong-hing, dans la province de Kuang-tong.

C. Entre la station française de Laokai, au Tonkin, et la station chinoise de Mongtze, dans la province du Yun-nan.

Aussitôt après que la présente Convention aura reçu l'approbation du Gouvernement chinois, il sera procédé au raccordement entre Dongdang et Tcheun-Nan-Kouan.

Les raccordements entre Monkai et Tong-hing, d'une part, et Laokai et Mongtze, d'autre part, seront établis dans le délai de dix-huit mois, après que ladite approbation aura été donnée.

ARTICLE III.

L'administration des télégraphes français et l'administration des télégraphes chinois établiront, maintiendront en bon état et desserviront les lignes de raccordement. Chacune des parties contractantes prendra à sa charge la part des dépenses qui seront faites pour ces différents objets sur son propre territoire et veillera à ce

* Journal Officiel de la République Française du 15 Mai, 1890.

† See also Article VI of the Convention of 20th June, 1895 (**No. 53**).

que les limites de chaque territoire soient scrupuleusement respectées.

Les stations mentionnées à l'Article précédent devront assurer la transmission des télégrammes en se servant des fils directs des lignes de raccordement.

ARTICLE IV.

Les prescriptions stipulées pour le régime extra-européen dans le règlement de service de la Convention télégraphique internationale* seront observées en ce qui concerne le traitement technique des télégrammes transmis par les lignes terrestres de raccordement. Toutefois, pour le compte des mots des télégrammes échangés par les lignes terrestres de raccordement entre la Chine d'une part, et d'autre part le Tonkin, l'Annam, la Cochinchine et le Cambodge, on appliquera les règles du régime européen stipulées dans le règlement de service de la Convention télégraphique internationale.

ARTICLE V.

Chacune des Parties contractantes fixe les taxes à percevoir pour la transmission des correspondances par ses lignes respectives, jusqu'à la frontière de son territoire. Toutefois, il est entendu que, pendant toute la durée de la présente Convention, les taxes fixées dans l'Article VI ne pourront être augmentées et que, pendant le même période, chacune des Parties contractantes aura la faculté de réduire ses propres taxes, si elle le juge convenable.

ARTICLE VI.

Les taxes à percevoir par mot pour les correspondances échangées par les lignes de raccordement mentionnées à l'Article II sont fixées ainsi qu'il suit :

Taxes perçues par l'administration des télégraphes français.

A.—*Taxes terminales.*

Pour toutes les correspondances échangées par les voies terrestres de la frontière chinoise avec :

	fr.	c.
1°. Le Tonkin	0	15
2°. L'Annam	0	30
3°. La Cochinchine et le Cambodge	0	45

B.—*Taxes de transit.*

Pour toutes les correspondances échangées entre la frontière chinoise et :

	fr.	c.
1°. Les autres frontières par la voie terrestre	0	50
2°. Les câbles alterrissant à :		
(*a*) Haïphong	0	20
(*b*) Hué	0	30
(*c*) Saïgon	0	50

* Il s'agit de la Convention télégraphique internationale signée à Saint-Pétersbourg le 22 Juillet, 1875 ("State Papers." Vol. 66. Page 19), et du Règlement du service signé à Berlin le 17 Septembre, 1885 ("State Papers." Vol. 76. Page 597).

[Telegraph Lines.]

Taxes perçues par l'administration des télégraphes chinois.

A.—*Taxes terminales.*

	fr.	c.
1°. Pour les correspondances échangées par la frontière du Tonkin entre le Tonkin, l'Annam, la Cochinchine, le Cambodge et Siam d'une part, et d'autre part :		
(*a*) Toutes les stations des provinces du Kouang-tong, du Kouang-si et du Yunnan	0	75
(*b*) Toutes les autres stations situées sur le Yangtze ou au sud du Yangtze	1	25
(*c*) Toutes les stations situées au nord du Yangtze, sauf celles qui se trouvent en Corée	2	25
(*d*) Les stations chinoises en Corée....	2	50
2°. Pour les correspondances échangées par la frontière du Tonkin entre la Chine et l'Europe ou les pays situés au-delà de l'Europe	5	50
3°. Pour les correspondances échangées par la frontière du Tonkin entre les autres pays et :		
(*a*) Toutes les stations des provinces du Kouang-tong, du Kouang-si et du Yunnan....	1	50
(*b*) Toutes les autres stations situées sur le Yangtze ou au sud du Yangtze	1	50
(*c*) Toutes les stations au nord du Yangtze, sauf celles qui se trouvent en Corée	2	25
(*d*) Les stations chinoises en Corée....	2	50

B.—*Taxes de transit.*

1°. Pour les correspondances échangées par la frontière du Tonkin entre l'Europe et les pays au-delà d'une part toutes les autres frontières de la Chine	5	50
2°. Pour toutes les correspondances échangées par la frontière du Tonkin et :		
(*a*) Hong-Kong	0	75
(*b*) Amoy, Foutchéou et Shanghaï....	1	25
(*c*) Toutes les autres frontières	2	50

ARTICLE VII.

Une liste donnant les noms des stations françaises et chinoises, dont il est parlé à l'article précédent, est annexée à la présente Convention.

ARTICLE VIII.

Lorsque les expéditeurs des télégrammes n'auront pas expressément indiqué la voie par laquelle ils désirent que leurs télégrammes soient transmis, il est entendu qu'à tarif inférieur toutes les correspondances, et à tarif égal la moitié au moins des correspondances, devront être expédiées par les lignes de raccordement mentionnées à l'Article II de la présente Convention.

ARTICLE IX.

Le compte des correspondances transmises sera arrêté chaque jour et communique par le télégraphe de station à station.

Le règlement des comptes aura lieu à la fin de chaque mois. Le solde résultant des comptes sera payé à l'administration des télégraphes français à Saïgon, et à l'administration des télégraphes chinois à Shanghaï, dans les dix jours qui suivront le mois auquel ce solde se rapporte.

Les télégrammes échangés au sujet du règlement des comptes seront considérés comme télégrammes de service.

Le mois sera calculé suivant le calendrier européen.

ARTICLE X.

Les payements seront effectués en piastres mexicaines au taux de vingt-six cents (26 cents) de piastres un franc.

ARTICLE XI.

Aussitôt après l'échange des signatures, la présente Convention sera soumise à l'approbation du Gouvernement chinois ; elle sera mise à exécution dès que cette approbation aura été donnée, et restera en vigueur pendant quinze années. Au delà de cette période elle continuera à être obligatoire tant que l'une des Parties contractantes n'aura pas annoncé, six mois à l'avance, l'intention soit d'y apporter des modifications, soit d'en faire cesser les effets.

Toutefois, il est entendu que dans le cas où avant l'expiration de la présente Convention, des modifications seraient apportées dans les arrangements qui lient actuellement l'administration chinoise aux Compagnies *Great Northern* et *Eastern-Extension*, en ce qui concerne les taxes terminales et de transit pour les correspondances à destination ou provenant d'Europe et des pays au delà, l'administration des télégraphes français obtiendrait de droit pour lesdites taxes toutes les réductions qui seraient faites à la suite de ces modifications.

ARTICLE XII.

La ligne de raccordement entre la station française de Laokai, au Tonkin, et la station chinoise de Mongtze, dans la province du Yun-nan, ne devant être établie que dans le délai de dix-huit mois, il est entendu que les correspondances télégraphiques à destination ou provenant du Yun-nan auront à acquitter, jusqu'au moment du raccordement, les taxes terminales de 1 fr. 25 et de 1 fr. 50 par mot stipulées dans les paragraphes A. 1 *b.* et A. 3 *b.* de l'article sixième de la présente Convention.

Fait à Tchéfou, en huit exemplaires, dont quatre en langue française et quatre en langue chinoise, le 1 décembre, correspondant au 28e jour de la 10e lune de la 14e année du Kouang-Sin.

P. RISTELHUEBER.
CHENG-SHUEN-HOUI.

(**No. 51.**) *ARRANGEMENT. France and China. Acquisition by French Missionaries of Land or House Property in the Interior of China.* 1865—1895.

In February, 1865, the Tsungli Yamên made an arrangement with the French Minister, in accordance with which the following procedure was to be adopted in the case of the acquisition by

French missionaries of land or house property in the interior of China. The title deed was to state the name of the seller or the person executing the transfer, and was to set forth that the property was to be held in common by the members of the local Catholic Church. Special mention was not to be made of any missionary or convert, so as to leave no doubt that the ground still remained Chinese soil. It was further stipulated that owners of property should, before disposing of it in this way, intimate their intention to the local authorities and solicit the instructions of the latter as to whether the sale was permissible or not. On receiving the sanction of the authorities they would be at liberty to complete the transaction, but no direct sale of private property would be allowed.

Later Modification agreed upon between M. Gérard, French Minister at Peking, and Tsungli Yamên (early in 1895).

Hereafter, if French missionaries go into the interior to purchase land or houses, the title deed shall specify clearly the name of the seller, and shall state that the property has been sold to become part of the collective property of the Catholic Mission in the locality where it is situated. It will be unnecessary to record on the deed the name of the missionary or of a native Christian. After the deed has been completed, the Catholic Mission will pay the cost of registration as fixed by Chinese law. The seller shall not be required to inform the local authorities of his intention to sell nor need he ask beforehand their authorization of the sale.

(No. 52.) *CONVENTION between France and China complementary to the Convention for the Delimitation of the Frontier between Tonkin and China of the 26th June,* 1887. *Signed at Peking, 20th June,* 1895.*

[Ratifications exchanged at Peking, August 7, 1896.]

Les Commissaires nommés par les deux Gouvernements pour reconnaître la dernière partie de la frontière entre la Chine et le Tonkin (du Fleuve Rouge au Mékong), ayant terminé leurs travaux,—

M. Auguste Gérard, Ministre Plénipotentiaire, Envoyé Extraordinaire de la République Française en Chine, Officier de la Légion d'Honneur, Grand-Croix de l'Ordre de l'Indépendance du Monténégro, Grand Officier de l'Ordre Royal de Charles III d'Espagne, Grand Officier de l'Ordre Royal de la Couronne d'Italie, &c., d'une part ;

Et Son Altesse le Prince K'ing, Prince du premier rang, Prési-

* See **No. 22** (Preamble), and footnote on page 104.

dent du Tsong-li Yamên, &c.; et son Excellence Siu Yong-Yi, membre du Tsong-li Yamên et du Grand Conseil de l'Empire Vice-Président de Gauche au Ministère de l'Intérieur, &c., d'autre part;

Agissant au nom de leurs Gouvernements respectifs et munis à cet effet de pleins pouvoirs qu'ils ont, après communication, reconnus être en bonne et due forme, ont décidé de consigner dans le présent Acte les dispositions suivantes, destinées à rectifier et compléter la Convention signée à Pékin le 26 Juin, 1887, (**No. 49**), les procès-verbaux et les cartes qui ont été dressés et signés par les Commissaires Français et Chinois étant et demeurant approuvés.

ART. I.—Le tracé de la frontière entre le Yunnan et l'Annam (carte de la deuxième section), du point R au point S, est modifié ainsi qu'il suit :—

"La ligne frontière part du point R, se dirige au nord-est jusqu'à Man-mei, puis de Man-mei et suivant la direction ouest-est jusqu'à Nan-na, sur le Ts'ing-chouei-ho, laissant Man-mei à l'Annam et les territoires de Mong-t'ong-chang-ts'ouen, Mong-t'ong-chan, Mong-t'ong-tchong-ts'ouen, Mong-t'ong-hia-ts'ouen à la Chine."

ART. II.—Le tracé de la cinquième section entre Long-po-tchai et la Rivière Noire est modifié ainsi qu'il suit :—

"A partir de Long-po-tchai (cinquième section), la frontière commune du Yunnan et de l'Annam remonte le cours du Long-po-ho, jusqu'à son confluent avec Hong-yai-ho, au point marqué A sur la carte. Du point A elle suit la direction générale nord-nord-ouest et la chaîne de partage des eaux jusqu'au point où le P'ing-ho prend sa source.

"De ce point la frontière suit le cours du P'ing-ho, puis celui du Mou-k'i-ho jusqu'à son confluent avec le Ta-pa-oho, qu'elle suit jusqu'à son confluent avec le Nan-Kong-ho, puis cours du Nan-Kong-ho jusqu'à son confluent avec le Non-na-ho.

"La frontière remonte ensuite le cours du Pa-pao-ho jusqu'à son confluent avec le Kouang-Sse-ho, puis le cours du Kouang-Sse-ho, et suit la chaîne de partage des eaux jusqu'au confluent du Nam-la-pi et du Nam-la-ho, enfin le Nam-la-ho jusqu'à son confluent avec la Rivière Noire, puis le milieu de la Rivière Noire jusqu'au Nam-nap ou Nan-ma-ho."

ART. III.—La frontière commune du Yunnan et de l'Annam entre la Rivière Noire, à son confluent avec le Nam-nap, et le Mékong est tracée ainsi qu'il suit :—

"A partir du confluent de la Rivière Noire et du Nam-nap, la frontière suit le cours du Nam-nap jusqu'à sa source, puis dans la direction sud-ouest et ouest la chaîne de partage des eaux jusqu'aux sources du Nam-Kang et du Nam-wou.

"A partir des sources de Nam-wou la frontière suit la chaîne de partage des eaux entre le Bassin Nam-wou et le Bassin du Nam-la, laissant à la Chine, à l'ouest, Ban-noi, I-pang, I-wou, les six mon*tagnes à thé*, et l'Annam, à l'est, Mong-wou et Wou-te et la con-

fédération des Hua-panh-ha-tang-hoc. La frontière suit la direction nord-sud, sud-est jusqu'aux sources du Nan-nuo-ho, puis elle contourne, par la chaîne de partage des eaux, dans la direction ouest-nord-ouest, les vallées du Nam-ouo-ho et des affluents de gauche du Nam-la, jusqu'au confluent du Mékong et du Nam-la, au nord-ouest de Muong-poung. Le territoire de Muong-mang et de Muong-jouen est laissé à la Chine. Quant au territoire des huit sources salées (Pa-fa-tchai), il demeure attribué à l'Annam."

ART. IV.—Les agents commissaires ou autorités, désignés par les deux Gouvernements, seront chargés de procéder à l'abornement, conformément aux cartes dressées et signées par la Commission de Délimitation et au tracé ci-dessus.

ART. V.—Les dispositions concernant la délimitation entre la France et la Chine, non modifiées par le présent Acte, restent en pleine vigueur.

La présente Convention complémentaire, ainsi que la Convention de Délimitation du 26 Juin, 1887, sera ratifiée dès à présent par Sa Majesté l'Empereur de Chine, et, après qu'elle aura été ratifiée par le Président de la République Française, l'échange des ratifications se fera à Pékin dans le plus bref délai possible.

Fait à Pékin, en quatre exemplaires, le 20 Juin, 1895, correspondant au 28e jour de la 5e lune de la 21e année Kouang-siu.

(L.S.) A. GÉRARD.
(L.S.) K'ING.
(L.S.) SIU.

(**No. 53.**) *CONVENTION between France and China complementary to the Additional Convention of Commerce of the 26th June, 1887. Signed at Peking, 20th June, 1895.**

[Ratifications exchanged at Peking, August 7, 1896.]

LE Président de la République Française et Sa Majesté l'Empereur de Chine, désireux de favoriser et d'étendre, sur la frontière Sino-Annamite, désormais délimitée jusqu'au Mékong,† le développement des relations commerciales entre les deux pays et d'assurer la bonne exécution du Traité de Commerce signé à Tien-tsin le 25 Avril, 1886 (**No. 47**), ainsi que de la Convention Additionnelle signée à Pékin le 26 Juin, 1887 (**No. 48**), ont décidé de conclure une Convention Complémentaire, contenant plusieurs dispositions nouvelles et modifiant quelques-unes des dispositions insérées dans les précédents Actes.

A cet effet les deux Hautes Parties Contractantes ont nommé pour leurs Plénipotentiaires respectifs, savoir :

* See Declaration between Great Britain and France of 15th January, 1896 (**No. 101**), Article IV.
† See Convention of 20th June, 1895 (**No. 52**).

Le Président de la République Française, M. Auguste Gérard, Ministre Plénipotentiaire, Envoyé Extraordinaire de la République Française en Chine, Officier de la Légion d'Honneur, Grand-Croix de l'Ordre de l'Indépendance du Monténégro, Grand-Officier de l'Ordre Royal de Charles III d'Espagne, Grand Officier de l'Ordre Royal de la Couronne d'Italie, &c., &c. ;

Et Sa Majesté l'Empereur de Chine, Son Altesse le Prince K'ing, Prince du premier rang, Président du Tsong-li Yamên, &c., &c. ;

Et son Excellence Siu Yong-Yi, membre du Tsong-li Yamên et du Grand Conseil de l'Empire, Vice-Président de Gauche au Ministère de l'Intérieur, &c., &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qu'ils ont reconnus en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

French Consular Agent at Tong-hing.

Il est convenu, pour assurer la police de la frontière, que le Gouvernement Français aura le droit d'entretenir un Agent d'ordre Consulaire à Tong-hing, en face de Moncay, sur la frontière du Kouang-tong.

Frontier Police.

Un règlement ultérieur déterminera les conditions dans lesquelles devra s'exercer, d'accord entre les autorités Françaises et Chinoises, la police commune de la frontière Sino-Annamite.

ARTICLE II.

Lungchow and Mengtze open to Commerce; and Ho-K'eou instead of Man-hao. French Consular Agent, and Chinese Customs Agent, at Ho-K'eou.

L'Article II de la Convention Additionnelle, signée à Pékin le 26 Juin, 1887 (**No. 48**), est modifié et complété ainsi qu'il suit :

Il est convenu entre les Hautes Parties Contractantes que la ville de Long-tchéou, au Kouang-si, et celle de Mong-tse, au Yunnan, sont ouvertes au commerce Franco-Annamite. Il est entendu, en outre, que le point ouvert au commerce, sur la route fluviale de Lao-kai à Mong-tse, est non plus Man-hao, mais Ho-k'eou, et que le Gouvernement Français aura le droit d'entretenir à Ho-k'eou un Agent relevant du Consul de Mong-tse, en même temps que le Gouvernement Chinois y entretiendra un agent des Douanes.

ARTICLE III.

Sse-mao opened to Trade. Appointment of French Consul and of Chinese Customs Agent.

Il est convenu que la ville de Sse-mao, au Yunnan, sera ouverte au commerce Franco-Annamite, comme Long-tcheou et Mong-tse, et que le Gouvernement Français aura le droit, comme dans les

autres ports ouverts, d'y entretenir un Consul, en même temps que le Gouvernement Chinois y entretiendra un agent des Douanes.

Les autorités locales s'emploieront à faciliter l'installation du Consul de France dans une résidence honorable.

Rights of French Citizens and of French Protected Persons.

Les Français et protégés Français pourront s'établir à Sse-mao, dans les conditions prévues par les Articles VII, X, XI, XII et autres du Traité du 27 Juin, 1858 (**No. 40**), ainsi que par l'Article III de la Convention du 25 Avril, 1886 (**No. 47**).

Transport of Merchandise.

Les marchandises à destination de Chine pourront être transportées par les rivières, notamment le Lo-so et le Mékong, aussi bien que par les routes de terre, et notamment par la route mandarinale qui conduit soit de Mong-lé, soit d'I-pang, à Sse-mao, et P'ou-eul, les droits dont ces marchandises seraient passibles devant être acquittés à Sse-mao.

ARTICLE IV.

Duties on Chinese Goods. Drawback Certificates.

L'Article IX de la Convention Commerciale du 25 Avril, 1886 (**No. 47**), est modifié ainsi qu'il suit :—

1. Les marchandises Chinoises transitant de l'une à l'autre des quatre villes ouvertes au commerce sur la frontière, Long-tcheou, Mong-tse, Sse-mao, et Ho-k'eou, en passant par l'Annam, payeront, à la sortie, le droit réduit des quatre dixièmes. Il leur sera délivré un certificat spécial, constatant le payement de ce droit et destiné à accompagner la marchandise. Lorsque celle-ci sera parvenue dans l'autre ville, elle sera exemptée du payement du droit d'importation.

2. Les marchandises Chinoises qui seront exportées des quatre localités désignées ci-dessus et transportées dans les ports Chinois, maritimes ou fluviaux, ouverts au commerce, acquitteront, à la sortie par la frontière, le droit d'exportation réduit des quatre dixièmes. Il leur sera délivré un certificat spécial, constatant le payement de ce droit et destiné à accompagner la marchandise. Lorsque celle-ci sera parvenue dans un des ports maritimes ou fluviaux ouverts au commerce, elle aura à acquitter le demi-droit de réimportation, conformément à la règle générale pour toutes les marchandises semblables dans les ports maritimes ou fluviaux ouverts au commerce.

3. Les marchandises Chinoises qui seront transportées des ports Chinois, maritimes ou fluviaux, ouverts au commerce, par la voie de l'Annam, vers les quatre localités désignées ci-dessus, acquitteront, à la sortie, le droit entier. Il leur sera délivré un certificat spécial constatant le payement de ce droit et destiné à accompagner la marchandise. Lorsque celle-ci sera parvenue à l'une des douanes de la frontière, elle acquittera, à l'entrée, un demi-droit de réimportation, basé sur la réduction de quatre dixièmes.

4. Les marchandises Chinoises susmentionnées, et qu'accompagnera le certificat spécial prévu plus haut, seront, avant le passage en douane à l'exportation, ou après le passage en douane à la réimportation, soumises aux règlements régissant les marchandises natives Chinoises.

ARTICLE V.*

Mines in Yünnan, Kwang-si, and Kwang-tung. French expert advice.

Il est entendu que la Chine, pour l'exploitation de ses mines dans les provinces du Yunnan, du Kouang-si et du Kouang-tong, pourra s'adresser d'abord à des industriels et ingénieurs Français, l'exploitation demeurant, d'ailleurs, soumise aux règles édictées par le Gouvernement Impérial en ce qui concerne l'industrie nationale.

Extension of Annam Railways into China.

Il est convenu que les voies ferrées soit déjà existantes, soit projetées en Annam, pourront, après entente commune et dans des conditions à définir, être prolongées sur le territoire Chinois.

ARTICLE VI.

Telegraphic Communication.

L'Article II de la Convention Télégraphique entre la France et la Chine, signée à Tche-fou, le 1er Décembre, 1888 (**No. 50**), est complété ainsi qu'il suit :

D.—Un raccordement sera établi entre la Préfecture Secondaire de Sse-mao et l'Annam par deux stations, qui seront Sse-mao, en Chinel et Muong-ha-hin (Muong-ngay-neua), placé en Annam à mi-chemin de Lai chau et de Luang-Prabang.

Les tarifs seront fixés conformément à l'Article VI de la Convention Télégraphique de Tche-fou.

* The following Stipulations were agreed upon, in Identic Notes exchanged between France and China, 12th June, 1897 ("Documents Diplomatiques. Chine. 1894–98." Page 38):

"1° Il est entendu que, conformément à l'article V de la Convention commerciale complémentaire du 20 juin 1895, ainsi qu'au contrat intervenu le 5 juin 1896 entre la Compagnie de Fives-Lille et l'Administration officielle du chemin de fer de Dongdang à Long-tcheou, et aux dépêches échangées les 2 et 25 juin de la même année entre la Légation de la République et le Tsong-ly-Yamen, si la Compagnie de Fives-Lille a convenablement réussi, et dès que la ligne de Dongdang à Long-tcheou sera achevée, on ne manquera pas de s'adresser à elle pour les prolongements de ladite ligne dans la direction de Nan-ning et de Pe-se;

"2° Il est entendu que, conformément à l'article V de la Convention commerciale complémentaire du 20 juin 1895, dans les trois provinces limitrophes du Sud, Kouang-tong, Kouang-si et Yun-nan, le Gouvernement chinois fera appel, pour les mines à exploiter, à l'aide d'ingénieurs et industriels français;

"3° Il est entendu que la Chine entreprendra des travaux pour l'amélioration de la navigabilité du haut Fleuve Rouge et qu'en vue des intérêts du commerce, elle aplanira et amendera la route de Ho-keou à Man-hao et Mong-tse jusqu'à la capitale provinciale. Il est entendu, en outre, que faculté sera donnée d'établir une voie de communication ferrée entre la frontière de l'Annam et la capitale provinciale, soit par la région de la rivière de Pe-se, soit par la région du haut Fleuve Rouge, les études et la mise à exécution par la Chine devant avoir lieu graduellement."

ARTICLE VII.

Limit of application of Commercial Stipulations.

Il est convenu que les stipulations commerciales contenues dans la présente Convention, étant d'une nature spéciale et le résultat de concessions mutuelles, déterminées par les nécessités des relations entre Long-tcheou, Ho-k'eou, Mong-tse, Sse-mao, et l'Annam, les avantages qui en résultent ne pourront être invoqués par les sujets et protégés des deux Hautes Parties Contractantes que sur les points, ainsi que par les voies fluviales et terrestres, ici déterminés, de la frontière.

ARTICLE VIII.

Stipulations to be regarded as part of the Convention of 26th June, 1887.

Les présentes stipulations seront mises en vigueur comme si elles étaient insérées dans le texte même de la Convention Additionnelle du 26 Juin, 1887 (**No. 48**).

ARTICLE IX.

Confirmation of existing Treaties.

Les dispositions des anciens Traités, Accords, et Conventions entre la France et la Chine, non modifiées par le présent Traité, restent en pleine vigueur.

Ratifications.

La présente Convention Complémentaire sera ratifiée, dès à présent, par Sa Majesté l'Empereur de Chine, et, après qu'elle aura été ratifiée par le Président de la République Française, l'échange des ratifications se fera à Pékin dans le plus bref délai possible.

Fait à Pékin, en quatre exemplaires, le 20 Juin, 1895, correspondant au 28e jour de la 5e lune de la 21e année Kouang-siu.

(L.S.) A. GERARD.
(L.S.) K'ING.
(L.S.) SIU.

(No. 54.) *EXCHANGE OF NOTES between China and France respecting the Railway from Tonkin to Yunnan-fu, Lease of Kuang-chou wan, and Chinese Post Office Staff. Peking, $\frac{9}{10}$th April,* 1898.

(1).—*Monsieur Dubail, Charge d'Affaires of the French Republic, to the Tsung-li-Yamên.*

Pekin, le 9 *avril,* 1898.

Comme suite à nos entretiens et en exécution des instructions formelles du Gouvernement de la République qui m'a muni de pouvoir spéciaux, j'ai l'honneur de demander à Vos Altesses et à Vos

Excellences d'acquiescer aux accords suivants, destinés à resserrer les liens d'amitié et de bon voisinage qui unissent l'Empire chinois et la République française :

1°. Le Gouvernement chinois accorde au Gouvernement français ou à la Compagnie française que celui-ci désignera, le droit de construire un chemin de fer allant de la frontière du Tonkin à Yun-nan-fou, le Gouvernement chinois n'ayant d'autre charge que de fournir le terrain pour la voie et ses dépendances. Le tracé de cette ligne est étudié en ce moment et sera ultérieurement fixé d'accord avec les deux Gouvernements. Un règlement sera fait d'accord.

2°. Le Gouvernement chinois, en raison de son amitié pour la France, donne à bail, pour 99 ans, la baie de Kouang-tcheou-ouan* au Gouvernement français, qui pourra y établir une station navale avec dépôt de charbon. Les limites de la concession seront ultérieurement fixées d'accord entre les deux Gouvernements, après études sur le terrain. On s'entendra plus tard pour le loyer.

3°. Quand le Gouvernement chinois organisera un service définitif de la Poste et établira un haut fonctionnaire à sa tête, il se propose de faire appel au concours de fonctionnaires étrangers, et il se déclare volontiers disposé à tenir compte des recommandations du Gouvernement français dans le choix du personnel.

Je prie Vos Altesses et Vos Excellences de vouloir bien m'accuser réception de la présente dépêche par une dépêche identique qui constituera l'accord de nos deux Gouvernements. Les deux documents serviront de convention.

G. DUBAIL.

(2).—*The Tsung-li Yamên to Monsieur Dubail, Chargé d'Affaires of the French Republic.*

Le 20e jour de la 3e lune de la 24e annee Kouang-siu (10 *avril*, 1898).

(Traduction.)

Le 19e jour de la 3e lune de la 24e année Kouang-siu (9 avril, 1898), Nous avons reçu de Votre Excellence la dépêche suivante :

[*See No.* 1.]

Comme il est dit dans la dépêche que vous avez adressé à Notre Yamên que ces trois demandes sont destinées à resserrer les liens d'amitié qui nous unissent. Nous pouvons y acquiescer. La Chine et la France devront affermir les bonnes relations qui existent entre elles et écarter à tout jamais toute cause de conflit.

Nous croyons devoir adresser la présente réponse à Votre Excellence pour qu'Elle la transmette à Son Gouvernement.

[Signatures of the President and Members of the Tsung-li Yamên.]

* See No. 55.

(No. 55.) *DRAFT CONVENTION between China and France for the Lease of Kuang-chou wan.—Peking,* 1898.*

Projet de Convention relative à Kouang-tcheou-ouan. (Remis le 27 mai, 1898, au Tsong-li Yamên).

ARTICLE I.

Lease of Kuang-chou wan.

Le Gouvernement chinois, en raison de son amitié pour la France, a donné à bail pour 99 ans Kouang-tcheou-ouan au Gouvernement français pour y établir une station navale avec dépôt de charbon, mais il reste entendu que cette location n'affectera pas les droits de souveraineté de la Chine sur les territoires cédés.

ARTICLE II.

Limits.

Le territoire loué comprendra les eaux et terrains nécessaires à la sécurité, à l'approvisionnement et au développement normal de la station navale et du dépôt de charbon, c'est-à-dire :

(*a*) L'île de Tong-hai ;

(*b*) L'île de Nao-tchéou ;

(*c*) Au Lei-tcheou, une bande de terrain reliant un point de la côte situé au sud de Kieou-man-sien (Tiao-man) et se trouvant par 20° 50′ de latitude nord, à Chemen par 21° 25′ de latitude nord sur une profondeur indiquée d'une manière générale sur la carte ci-annexée ;†

(*d*) Au Kao-tcheou, une bande de terrain comprise entre 21° 25′ de latitude nord et 21° 04′ de latitude nord, sur une profondeur indiquée d'une manière générale sur la carte ci-annexée ;†

(*e*) Les îlots compris dans l'intérieur de Kouang-tcheou-ouan, ainsi que les eaux intérieures et extérieures de la baie, et les eaux extérieures de Nao-tcheou et de Tong-hai, dans les limites acceptées en droit international (six milles marins).

Les limites exactes sur le continent du Lei-tcheou et du Kao-tcheou seront fixées, après la signature de la présente convention, quand des reconnaissances spéciales auront été faites par des fonctionnaires désignés par les deux Gouvernements.

Lesdits fonctionnaires devront procéder sans retard à leur mission, afin d'éviter tout froissement possible entre les deux pays.

ARTICLE III.

Administration.

Le territoire sera gouverné et administré pendant les 99 ans de bail par la France seule, cela afin d'éviter tout froissement possible entre les deux pays.

* As published in "Documents Diplomatiques. Chine. 1898-1899."

† Not printed.

Rights and Privileges of Natives.

Les habitants conserveront la jouissance de leurs propriétés ; ils pourront continuer à habiter le territoire loué et vaquer à leurs travaux et occupations, sous la protection de la France, aussi longtemps qu'ils se montreront respectueux de ses lois et de ses règlements. La France payera un prix équitable aux propriètaires indigènes pour les terrains qu'elle désirera acquérir.

ARTICLE IV.

Fortifications, Garrison, &c.

La France pourra élever des fortifications, faire tenir garnison à des troupes ou prendre toute autre mesure défensive dans le terrain loué.

Lighthouses, Buoys, &c.

Elle pourra construire des phares, placer des bouées et signaux utiles à la navigation sur le territoire loué, le long des îles et des côtes, et, d'une manière générale, prendre toutes les mesures et adopter toutes les dispositions propres à assurer la liberté et la sécurité de la navigation.

ARTICLE V.

Chinese Ships, and Ships of other Powers.

Les navires à vapeur de la Chine, ainsi que les navires des Puissances en relations diplomatiques et commerciales avec elle, seront traités dans le territoire loué comme dans les ports ouverts de Chine.

Regulations. Light and Tonnage Dues.

La France pourra promulguer tous les règlements qu'elle voudra dans l'administration du territoire et du port et notamment percevoir des droits de phare et de tonnage destinés à couvrir les frais de construction et d'entretien des feux, balises et signaux, mais lesdits règlements et droits seront appliqués impartialement aux navires de toutes nationalités.

ARTICLE VI.

Extradition.

Si des cas d'extradition se présentent, ils seront traités d'après les stipulations des conventions existantes de la France et de la Chine, notamment celles qui règlent les rapports de voisinage entre la Chine et le Tonkin.

ARTICLE VII.

Railway.

Le Gouvernement chinois autorise la France à construire une voie ferrée reliant un point de la baie de Kouang-tcheou-ouan, au Lei-tcheou, à un point à désigner sur la côte ouest du Lei-tcheou,

aux environs d'On-pou. Ce dernier point sera ultérieurement désigné avec précision.

La Chine fournira le terrain, mais les frais de construction et d'exploitation seront à la charge de la France. Les Chinois auront le droit de circulation et de trafic sur la voie ferrée, d'après le tarif général appliqué.

Les mandarins devront veiller à la protection de la voie et du matériel, mais la réparation et l'entretien de cette voie et de ce matériel seront à la charge de la France.

ARTICLE VIII.

French Works near On-pou. Anchorage reserved to French and Chinese Ships of War.

La France pourra également, au point d'aboutissement de la ligne vers On-pou, construire des débarcadères, appontements, magasins et hôpitaux, établir des feux, bouées et signaux. Le mouillage en eau profonde le plus voisin de ce point d'aboutissement (eaux territoriales) sera exclusivement réservé aux navires de guerre français et chinois, ces derniers en situation de neutralité seulement.

Ratifications.

La présente convention entrera immédiatement en vigueur. Elle sera ratifiée dès à présent par l'Empereur de Chine, et lorsqu'elle aura été ratifiée par le Président de la République française, l'échange des ratifications aura lieu à dans le plus bref délai possible.

Fait à Pékin en huit exemplaires dont quatre en langue française et quatre en langue chinoise, le 1898.

(**No. 56.**) *TREATY of Friendship, Commerce, and Navigation between the German Customs Union and China. Signed at Tientsin, 2nd September*, 1861.*

[Signed also in German and Chinese.]

[Ratifications exchanged at Shanghai, January 14, 1863.]

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Denmark, **No. 38,** Art. I.]

* "State Papers." Vol. 51. Page 1248. Confirmed by Additional Convention of 31st March, 1880 (**No. 57**), except where modified thereby.

ARTICLE II.

Appointment of Diplomatic Agents. Prussian Agent to represent the other Contracting German States. Residence at Peking.

Sa Majesté le Roi de Prusse pourra, si bon Lui semble, accréditer un Agent Diplomatique près la Cour de Pékin et Sa Majesté l'Empereur de Chine pourra de même, si bon Lui semble, accréditer un Agent Diplomatique près la cour de Berlin.

L'Agent Diplomatique accrédité par Sa Majesté le Roi de Prusse aura le droit de représenter diplomatiquement les autres États Allemands Contractants qui d'après le présent Traité n'ont pas le droit de se faire représenter près la cour de Pékin par un Agent Diplomatique Spécial.

Sa Majesté l'Empereur de Chine consent à ce que l'Agent Diplomatique accrédité par Sa Majesté le Roi de Prusse, ainsi que sa famille et les gens de sa maison, résident à demeure fixe à Pékin, ou s'y rendent éventuellement, au choix du Gouvernement Prussien.

ARTICLE III.

Privileges and Immunities of Diplomatic Agents. Employment of Interpreters, &c., by Prussian Agent. Expenses of Missions to be paid by respective Governments. Hire of House at Peking.

Les Agents Diplomatiques de Prusse et de Chine jouiront réciproquement, dans le lieu de leur résidence, des privilèges et immunités que leur accorde le droit des gens ; leur personne, leur famille, leur maison et leur correspondance seront inviolables. Ils ne pourront pas être restreints dans le choix ni dans l'emploi de leurs employés, courriers, interprètes, serviteurs, &c.

Les dépenses de toute espèce qu'occasionneront les missions diplomatiques seront supportés par les Gouvernements respectifs.

Les autorités Chinoises donneront à l'Agent Diplomatique de Prusse toutes les facilités possibles pour louer un emplacement et une maison convenable à la Capitale quand il devra y établir sa résidence.

ARTICLE IV.

Appointment of Consuls in China. Consuls of a Foreign Power may act in absence of German Consul.

Les États Allemands Contractants pourront nommer en Chine un Consul-Général, et dans les ports et villes ouverts, où leurs intérêts l'exigeront, un Consul, Vice-Consul ou Agent-Consulaire chargés de traiter les affaires de leurs nationaux.

Ces Agents seront traités par les Autorités Chinoises avec la considération et les égards qui leur sont dus, et ils jouiront des mêmes privilèges et prérogatives que les Agents Consulaires de la nation la plus favorisée.

En cas d'absence de l'Agent Consulaire Allemand les sujets des

Etats Allemands Contractants auront la faculté de s'adresser au Consul d'une Puissance amie ou, en cas d'urgence, au chef de la Douane, qui avisera au moyen de leur assurer tous les bénéfices du présent Traité.

ARTICLE V.

Language to be used in Official Correspondence. French Text of Treaty to be Authoritative.

Les communications officielles de l'Agent Diplomatique Prussien ou des Autorités Consulaires des États Allemands Contractants avec les Autorités Chinoises seront écrites en Allemand. Jusqu'à disposition ultérieure elles seront accompagnées d'une traduction Chinoise, mais il est expressément entendu que, en cas de dissidence dans l'interprétation à donner au texte Allemand et au texte Chinois, les Gouvernements Allemands prendront pour exact le sens exprimé dans le texte Allemand.

De même les communications officielles des Autorités Chinoises avec le Ministre ou les Consuls de la Prusse et des États Allemands Contractants seront écrites en Chinois, et pour elles le texte Chinois fera foi. Il est bien entendu que les traductions ne feront foi en aucun cas.

Quant au présent Traité, il sera expédié en langue Allemande, Chinoise et Française, dans le but d'éviter toute discussion ultérieure et par la raison que la langue Française est connue de tous les diplomates de l'Europe. Toutes ces expéditions ont le même sens et la même signification, mais le texte Français sera considéré comme le texte original du Traité, de façon que s'il y avait quelque part une interprétation différente du texte Allemand et du texte Chinois, l'éxpédition Français fera foi.

ARTICLE VI.

Ports open to German Subjects. Trade and Navigation.

Les sujets des États Allemands Contractants pourront s'établir avec leurs familles, circuler librement et se livrer au commerce ou à leur industrie dans les ports et villes de Canton, Swatau (Tcheou-Tcheou), Amoi, Foutcheou, Ningpo, Changhai, Tangtcheou, Tientsin, Nieou-tchoang, Tchin-Kiang, Kue-Kiang, Hankau, puis de Kiong-tcheou dans l'île de Hainan, et de Tai-wan et Tan-choui dans l'île de Formose. Ils pourront circuler librement d'un port à l'autre avec leurs navires et leurs marchandises, y acheter ou louer des maisons, affermer des terrains et bâtir des églises, des cimetières et des hôpitaux.

ARTICLE VII.

German Vessels trading with non-open Ports liable to Confiscation.

[Similar to Great Britain, **No. 6**, Art. XLVII.]

ARTICLE VIII.

Liberty to circulate outside open Ports. Passports.

Les sujets des États Allemands Contractants pourront se promener dans le voisinage des ports ouverts au commerce à une distance de 100 lis et pour un temps ne dépassant pas 5 jours.

Quant à ceux qui désireraient se rendre dans l'intérieur de l'Empire, ils devraient être munis de passeports délivrés par les Autorités Diplomatiques ou Consulaires et visés par les Autorités locales Chinoises. Le passeport devra être exhibé à toute réquisition.

Dans le cas où les voyageurs ou commerçants des États Allemands Contractants auraient perdu leurs passeports, il serait loisible aux autorités locales de les retenir jusqu'à ce qu'ils aient pu se procurer de nouveaux passeports, ou de les faire reconduire au Consulat le plus voisin sans les maltraiter en aucune façon ni permettre qu'ils le soient.

Il est bien entendu qu'on ne délivrera aucun passeport pour les lieux occupés par les rebelles ; on attendra pour le faire que ces lieux soient entièrement pacifiés.

ARTICLE IX.

German Subjects free to employ their own Interpreters, &c., and hire Boats for Transport of Persons and Merchandise. Freedom to learn Chinese and to teach Foreign Languages. Sale and Purchase of Books.

Les sujets des États Allemands Contractants pourront choisir librement et à prix débattu entre les parties, des compradors interprètes, écrivains, ouvriers, bateliers et domestiques de toutes les parties de la Chine, et de même ils pourront louer des embarcations pour le transport des personnes et des marchandises. Ils pourront également apprendre la langue ou les dialectes du pays à l'aide de Chinois et leur enseigner des langues étrangères. On ne mettra aucun obstacle à la vente de livres Allemands et à l'achat de livres Chinois.

ARTICLE X.

Freedom of Christian Religion.

Ceux qui suivent et enseignent la religion Chrétienne jouiront en Chine d'une pleine et entière protection pour leurs personnes leurs propriétés et l'exercice de leur culte.

ARTICLE XI.

Pilots.

[Same as Great Britain, **No. 6,** Art. XXXV.]

ARTICLE XII.

Custom-House Guards.

[Same as France, **No. 40**, Art. XVI.]

ARTICLE XIII.

Delivery of Ships' Papers, Manifests, &c., within 48 hours. Penalty for Non-delivery. Permit for breaking bulk. Penalty for breaking bulk without Permit.*

[Similar to France, **No. 40**, Art. XVII.]

ARTICLE XIV.

Permits to Land and Ship Cargoes.

[Same as Great Britain, **No. 6**, Art. XXXIX.]

ARTICLE XV.

Import and Export Duties. Most-favoured-nation Treatment.

Les sujets des États Allemands Contractants paieront sur toutes les marchandises qu'ils importeront dans les ports ouverts au commerce étranger ou qu'ils en exporteront, les droits qui sont mentionnés dans le Tarif annexé au présent Traité ; mais en aucun cas on ne pourra exiger d'eux d'autres droits ou des droits plus élevés que ceux exigés à présent ou à l'avenir des sujets de la nation la plus favorisée.

Les règlements commerciaux annexés au présent Traité seront regardés comme partie intégrante de ce Traité et par conséquent comme obligatoires pour les Hautes Parties Contractantes.

ARTICLE XVI.

Mode of Levying ad valorem *Duties.*

[Same as Great Britain, **No. 6**, Art. XLII.]

ARTICLES XVII AND XVIII.

Mode of Levying Duties on Goods.

[Similar to Great Britain, **No. 6**, Art. XLIII.]

ARTICLE XIX.

Reduction of Duty on Damaged Goods.

[Same as Great Britain, **No. 6**, Art. XLIV.]

ARTICLE XX.

Tonnage Dues, &c. Exemption from Payment in certain cases.

[Similar to Great Britain, **No. 6**, Art. XXX.]

* See Declaration, 2nd September, 1868, respecting False Manifests. Page 341.

ARTICLE XXI.

Payment of Import and Export Duties. Port-clearances.

[Same as Great Britain, **No. 6,** Arts. XXV and XLI.]

ARTICLE XXII.

Duties to be paid to authorized Money Changers.

Le chef de la Douane désignera une ou plusieurs maisons de change qui seront autorisées à recevoir les droits dus pour le compte du Gouvernement. Les récépissés de ces maisons de change seront réputés délivrés par le Gouvernement Chinois. Les paiements pourront s'opérer en lingots ou en monnaies étrangères, dont le rapport avec l'argent sycé sera déterminé, suivant les circonstances, de commun accord entre l'Agent Consulaire Allemand et le chef de la Douane.

ARTICLE XXIII.

Tonnage Dues. Exemptions.

[Similar to Belgium, **No. 34,** Art. XXXII.]

ARTICLE XXIV.

Transit Duties.

Les marchandises qui auront acquitté dans un port Chinois les droits de Douane liquidés d'après le tarif, pourront être transportées dans l'intérieur du pays sans avoir à subir aucune autre charge que le paiement des droits de transit. Ces droits seront perçus suivant le taux actuellement en vigueur et ne seront susceptibles d'aucune augmentation future. Il en sera de même des marchandises transportées de l'intérieur du pays à un port.

Les droits de transit afférents aux produits transportés de l'intérieur à un port et aux marchandises transportées d'un port à l'intérieur pourront être acquittés par un seul paiement.

Si des fonctionnaires Chinois, contrairement à la teneur du présent Article, exigeaient des rétributions illégales ou prélevaient des droits plus élevés, ils seraient punis suivant les lois de la Chine.

ARTICLE XXV.

Duties to be Paid only on parts of Cargo landed.

Le capitaine d'un navire appartenant à un des États Allemands Contractants, qui sera entré dans un port Chinois et qui voudra n'y décharger qu'une partie de la cargaison, ne paiera les droits de Douane que pour la partie débarquée. Il pourra transporter le reste de la cargaison dans un autre port, l'y vendre et y acquitter les droits.

ARTICLE XXVI.

Re-exportation. Duty-paid Goods not to pay a second time. Fraudulent Goods liable to Confiscation.

Dans le cas où des négociants d'un des États Allemands Contractants, après avoir acquitté dans un port Chinois les droits sur des marchandises importées, voudraient les réexporter, ils en préviendraient le chef de la Douane, afin de faire constater par celui-ci l'identité de la marchandise et l'intégrité des colis.

Si les marchandises étaient destinées à être réexportées dans un autre port Chinois, le chef de la Douane remettra aux marchands qui désireraient les réexporter une déclaration, attestant que les droits afférents aux dites marchandises ont été acquittés.

En vertu de cette déclaration, le chef de la Douane du port Chinois auquel on transportera les dites marchandises délivrera un permis de débarquement en franchise de droits, sans en exiger de taxes ni de surcharges supplémentaires. Mais si en comparant les marchandises avec la déclaration on découvrait de la fraude, les marchandises passées en fraude seraient passibles de la confiscation.

Si les marchandises étaient destinées à être réexportées dans un port hors de la Chine, le chef de la Douane du port de réexportation délivrera un certificat, constatant que le négociant qui réexporte les marchandises a une créance sur la Douane équivalente au montant des droits déjà payés sur ces marchandises. Le dit certificat sera reçu en paiement par la douane pour sa valeur entière comme de l'argent comptant toutes les fois qu'il s'agira d'acquitter des droits d'importation ou d'exportation.

ARTICLE XXVII.

Trans-shipments.

[Same as Belgium, **No. 34,** Art. XXVII.]

ARTICLE XXVIII.

Standard Weights and Measures to be deposited at each Consulate.

[Similar to Great Britain, **No. 6,** Art. XXXIV.]

ARTICLE XXIX.

All Confiscations to belong to Chinese Government.

[Similar to Great Britain, **No. 6,** Art. XLIX.]

ARTICLE XXX.

Facilities to be granted to German Ships of War. Piracy, &c.

[Similar to Great Britain, **No. 6,** Art. LII, with the following addition :]

Et les bâtiments seront exempts de toute espèce d'impôts.

ARTICLE XXXI.

Wrecks.

[Same as Belgium, **No. 34**, Art. XLII.]

ARTICLE XXXII.

Surrender of German Seamen Deserters; and others. Surrender of Chinese Deserters and Criminals.

[Similar to France, **No. 40**, Art. XXXII.]

ARTICLE XXXIII.

Pursuit of Pirates. Punishment for neglect of duty.

[Similar to France, **No. 40**, Art. XXXIV.]

ARTICLE XXXIV.

Complaints against Chinese to be submitted to the German Consul, and against Germans to the Chinese Authority.

Toutes les fois qu'un sujet d'un des États Allemands Contractants voudra recourir à l'autorité Chinoise, sa réprésentation devra d'abord être soumise à l'Agent Consulaire qui, suivant qu'il la trouvera raisonnable et convenablement rédigée, lui donnera suite ou la rendra afin d'être modifiée.

Les Chinois de leur côté, lorsqu'ils auront à s'adresser au Consulat, devront suivre une marche analogue auprès de l'autorité Chinoise, laquelle agira de la même manière.

ARTICLE XXXV.

Disputes between Germans and Chinese. Consular Intervention.

[Same as Great Britain, **No. 6**, Art. XVII.]

ARTICLE XXXVI.

Protection of Persons and Property.

Les autorités Chinoises accorderont toujours la plus complète protection aux personnes et à la propriété des sujets Allemands, et particulièrement lorsque ceux-ci seraient l'objet de quelque insulte ou violence. Dans tous les cas d'incendie, de pillage ou de destruction, les autorités locales enverront en toute hâte la force armée pour dissiper l'émeute, s'emparer des coupables et les livrer à toute la sévérité des lois, le tout sans préjudice des poursuites à exercer, par qui de droit, contre les coupables quels qu'ils soient, pour indemnisation des pertes éprouvées.

ARTICLE XXXVII.

German and Chinese fraudulent Debtors.

[Similar to Denmark, **No. 38**, Art. XXII.]

ARTICLE XXXVIII.

Repression of Crimes. Chinese to be tried by Chinese Authorities and Germans by German Consul.

Les sujets Chinois qui se rendront coupables d'une action criminelle contre un sujet d'un des États Allemands Contractants seront arrêtés par les autorités Chinoises et punis suivant les lois de la Chine.

Les sujets d'un des États Allemands Contractants, qui commettraient un crime contre un sujet Chinois, seront arrêtés par l'Agent-Consulaire et punis suivant les lois de l'État auquel ils appartiennent.

ARTICLE XXXIX.

Consular Jurisdiction over German Subjects. Chinese Authorities not to interfere in Disputes between Germans and Foreigners.

Toutes les contestations de droits, soit de personne soit de propriété, qui pourraient s'élever entre des sujets des États Allemands Contractants, relèveront de la juridiction des autorités de ces États. En cas de différends survenus entre des sujets des États Allemands Contractants et des étrangers, l'autorité Chinoise n'aura point à s'en mêler.

ARTICLE XL.*

Privileges and Immunities. Most-favoured-nation Treatment. Customs, Tonnage, Port, Import, Export, and Transit Dues.

Il est convenu entre les Parties Contractantes qu'il sera accordé aux États Allemands et à leurs sujets participation pleine et égale à tous les privilèges, immunités, et avantages qui ont été accordés ou seront concédés dorénavant par Sa Majesté l'Empereur de Chine au Gouvernement ou aux sujets d'une autre nation quelconque. En particulier tous les changements apportés en faveur d'une autre nation quelconque au tarif ou aux dispositions concernant les droits de Douane, de tonnage et de port, d'importation, d'exportation et de transit, seront immédiatement applicables au commerce des États Allemands Contractants, ainsi qu'à leurs marchands, armateurs et capitaines, par le seul fait de leur mise à exécution et sans qu'il faille un nouveau Traité.

ARTICLE XLI.

Modification of Treaty after 10 years.

Si dorénavant les États Allemands Contractants jugeaient convenable d'apporter des modifications à quelques-unes des clauses du présent Traité, ils seront libres d'ouvrir à cet effet des négociations après un intervalle de 19 années révolues à partir du jour de l'échange des ratifications, mais il faut que 6 mois avant

* Confirmed by Supplementary Convention of 31st March, 1880 (No. 57), Art. I.

l'expiration des 10 années ils fassent connaître officiellement au Gouvernement Chinois leur intention d'apporter des modifications, et en quoi elles consisteront. A défaut de cette annonce officielle, le Traité restera en vigueur sans changement pour un nouveau terme de 10 années.

ARTICLE XLII.

Ratifications.

Le présent Traité sera ratifié et les ratifications seront échangées dans l'intervalle d'un an à partir du jour de la signature, ou à Changhai ou à Tientsin, au choix du Gouvernement de Prusse. Aussitôt que l'échange aura eu lieu, le Gouvernement Chinois portera le Traité à la connaissance de toutes les Autorités supérieures de l'Empire, dans les provinces et dans la capitale, afin qu'elles s'y conforment.

En foi de quoi les Plénipotentiaires respectifs des Hautes Parties Contractantes ont signé le présent Traité et y ont apposé leurs sceaux.

Fait en quatre expéditions à Tientsin le 2 Septembre de l'an de grâce 1861, correspondant au 28e jour de la 7e lune de la 11e année de Hien-Foung.

(L.S.) COMTE D'EULENBURG.
(L.S.) TCHONG-LUEN.
(L.S.) TCHONG-HEOU.

[Here follow the Tariff and Commercial Regulations.]

ARTICLES SÉPARÉS.

I.

Non-Residence of Prussian Diplomatic Agent at Peking for five years.

La Prusse, les autres États de l'Association de douanes et de commerce Allemande, les Grands-Duchés de Meklenbourg-Schwérin et de Meklenbourg-Strélitz, ainsi que les Villes Hanséatiques de Lubeck, Brême et Hambourg, ayant conclu aujourd'hui avec la Chine un traité d'amitié, de commerce et de navigation, exécutoire après l'échange des ratifications qui doit avoir lieu dans l'intervalle d'une année, et d'après lequel Sa Majesté le Roi de Prusse a le droit d'accréditer un Agent diplomatique à demeure fixe près la cour de Pékin, il est convenu entre les Plénipotentiaires respectifs de ces États, qu'en raison des troubles qui désolent actuellement la Chine, Sa Majesté le Roi de Prusse attendra qu'un laps de cinq années se soit écoulé à partir de l'échange des ratifications du présent traité pour accréditer à demeure fixe un Agent diplomatique à Pékin.

ms' "Nouveau Recueil Général de Traités." Tome 19. Page 200.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Article et y ont apposé leurs sceaux.

Fait en quatre expéditions à Tientsin le 2 Septembre de l'an de grâce 1861, correspondant au 28e jour de la 7e lune de la 11e année de Hien-Foung.

COMTE D'EULENBURG.
TCHONG-LUEN.
TCHONG-HEOU.

II.

Right of Hanse Towns to nominate a Consul at each of the open Ports.

La Prusse, les autres États de l'Association de douane et de commerce Allemande, les Grands-Duchés de Meklenbourg-Schwérin et de Meklenbourg-Strélitz, ainsi que les Villes Hanséatiques de Lubeck, Brême et Hambourg, ayant conclu aujourd'hui avec la Chine un traité d'amitié, de commerce et de navigation, il est convenu en outre que les Sénats des Villes Hanséatiques auront le droit de nommer un Consul dans chaque port ouvert à la navigation et au commerce étranger, pour y traiter les affaires de leurs nationaux.

Le présent article séparé aura la même vigueur et la même validité que s'il était inscrit mot à mot dans le traité susmentionné.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent article et y ont apposé leurs sceaux.

Fait en quatre expéditions à Tientsin le 2 Septembre de l'an de grâce 1861, correspondant au 28e jour de la 7e lune de la 11e année de Hien-Foung.

COMTE D'EULENBURG.
TCHONG-LUEN.
TCHONG-HEOU.

False Manifests.

Declaration par le Representant des États du Zollverein allemand, concernant la poursuite des faux manifestes présentés par les capitaines marchands allemands en Chine. Signée à Pékin, le 2 septembre, 1868.

Pékin, ce 2 Septembre, 1868.

Le Soussigné ayant rendu compte au Gouvernement de Sa Majesté le Roi de Prusse de la communication que Son Altesse Impériale le Prince Kung et Leurs Excellences les Ministres chargés des Affaires Étrangères lui ont faite relativement à l'Article 13 du traité conclu entre les États du Zollverein, les Grands-Duchés de Meklenbourg-Schwérin et Meklenbourg-Strélitz et les villes libres et hanséatiques de Lubec, Brême et Hambourg d'une part et la Chine de l'autre part le 2 Septembre, 1861, et à la nécessité de

frapper d'une amende les Capitaines Marchands qui présentent des faux manifestes, ainsi que cela est stipulé dans les traités conclus par d'autres Nations avec la Chine, a reçu ordre de déclarer que la Confédération, de l'Allemagne du Nord et les États du Zollverein qui ne font pas partie de cette Confédération, consentent en principe à la proposition du Gouvernement Chinois et veulent bien admettre une amende toutes les fois qu'un Capitaine Marchand aura fait une fausse déclaration sur la qualité ou la quantité des marchandises, sous la condition cependant, que cette amende sera calculée d'après l'importance de chaque contravention et ne pourra excéder la somme de 500 Taëls. Il est également sous-entendu qu'il n'y aura pas lieu de poursuivre du Chef de faux manifeste dans le cas où l'erreur aura été corrigée dans les 24 heures qui ont suivi la fausse déclaration.

Quant à la procédure à suivre dans les cas de fausse déclaration, il est convenu que l'amende ne pourra être réputée valable qu'après jugement rendu par une Commission mixte, composée d'un délégué de la Douane Chinoise et d'un délégué de l'Autorité Consulaire Allemande du port où la contravention a eu lieu. Dans les cas où ces délégués ne tomberaient pas d'accord, le jugement serait remis à l'Inspecteur Général des Douanes Maritimes à Pékin et au Ministre de la Confédération de l'Allemagne du Nord qui décideront de commun accord.

REHFUES, *L'Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération de l'Allemagne du Nord.*

[Here follow the Tariff and Commercial Regulations.]

(**No. 57.**) *SUPPLEMENTARY CONVENTION of Commerce and Navigation between Germany and China. Signed at Peking, 31st March,* 1880.

[Signed in German and Chinese.]

[Ratifications exchanged, September 16, 1881.]

(Translation.)

His Majesty the German Emperor, King of Prussia, &c., in the name of the German Empire, and His Majesty the Emperor of China, wishing to secure the more perfect execution of the Treaty of the 2nd September, 1861 (**No. 56**), have, in conformity with Article XLI of that Treaty, according to the terms of which the High Contracting German States are entitled, after a period of ten years, to demand a revision of the Treaty, decided to conclude a Supplementary Convention.

With this view they have appointed their Plenipotentiaries:

[Here follow the names.]

Who, after communicating their full powers, and finding them in due form, have agreed upon the following Articles :—

ARTICLE I.

New Ports and Landing Places open to Trade.

Chinese Concession.—The harbours of Ichang, in Hupei; Wuhu, in Anhui; Wenchow, in Chekiang; and Pakhoi, in Kwantung; and the landing places Tatung and Anking, in Anhui; Hu-Kow, in Kiangsi; Wu-Sueh, Luchikou, and Shashih, in Hukuang, having already been opened.

Wusung Harbour.

German ships are in future also to be permitted to touch at the harbour of Wusung*, in the Province of Kiangsu, to take in or discharge merchandise. The necessary Regulations are to be drawn up by the Taotai of Shanghai and the competent authorities.

Assent of Germany to Chinese Regulations attached to Foreign Concessions.

German Concession.—In the event of special Regulations for the execution of Concessions which the Chinese Government may make to foreign Governments being attached to such Concessions, Germany, while claiming these Concessions for herself and for her subjects, will equally assent to the Regulations attached to them.

Confirmation of Art. XL of Treaty of 1861.

Article XL of the Treaty of the 2nd September, 1861 (**No. 56**), is not affected by this Regulation, and is hereby expressly confirmed.

Should German subjects, on the strength of this Article, claim privileges, immunities, or advantages which the Chinese Government may further concede to another Power, or the subjects of such Power, they will also submit to the Regulations which have been agreed upon in connexion with such Concession.

ARTICLE II.

Tonnage Dues.†

Chinese Concession.—German ships which have already paid tonnage dues in China may visit all other open ports in China, as well as all ports not Chinese, without exception, without being again obliged to pay tonnage dues, within the given period of four months.

German sailing-vessels which remain in the same Chinese harbour for a longer period than 14 days shall only pay for time over and above this period half of the tonnage dues stipulated by Treaty.

* See Special Regulations, Section 1. Page 347.
† See Exchange of Notes, 31st March, 1880. Page 349.

Appointment of Chinese Consuls in Germany.

German Concession.—The Chinese Government shall have the right of appointing Consuls to all towns of Germany in which the Consuls of other States are admitted, and they shall enjoy the same rights and privileges as the Consuls of the most-favoured nation.

ARTICLE III.

*Bonded Warehouses.**

Chinese Concession.—The Chinese Commissioner of Customs, and the other competent authorities, shall, after agreeing upon the necessary Regulations, themselves take measures for the establishment of bonded warehouses in all the open ports of China in which they are required in the interests of foreign commerce, and where local circumstances would admit of such an arrangement being made.

Ships' Manifests.†

German Concession.—German ships visiting the open ports of China shall deliver a manifest containing an exact statement as to the quality and quantity of their cargoes. Mistakes which may have occurred in the manifests can be rectified in the course of 24 hours (Sundays and holidays excepted). False statements as to the quantity and quality of cargo are punishable by confiscation of the goods and also by a fine, to be imposed upon the captain, but not to exceed the sum of 500 taels.

ARTICLE IV.

Export Duty on Chinese Coal.

Chinese Concession.—The export duty on Chinese coal, exported by German merchants from the open ports, is reduced to 3 mace per ton. In those ports in which a lower duty on the export of coal has already been fixed upon, the lower duty remains in force.

Pilots.

German Concession.—Anyone acting as pilot for any kind of craft whatever, without being furnished with the Regulation certificate, is liable to a fine not to exceed 100 taels for each separate case.

Control over Sailors.

Regulations with a view to exercising a proper control over sailors are to be introduced with the least possible delay.

* See also Special Regulations, Section 2. Page 347.
† See also Special Regulations, Section 3. Page 347.

ARTICLE V.

*Repairs of Ships. Non-payment of Tonnage Dues.**

Chinese Concession.—German ships in want of repairs in consequence of damages sustained within or without the port are not required to pay tonnage dues during the period necessary for the repairs, which is to be fixed by the Inspectorate of Customs.

Non-use of other's Flag by either Country.†

German Concession.—Ships belonging to Chinese may not make use of the German flag, nor may German ships make use of the Chinese flag.

ARTICLE VI.

Broken-up Vessels. Sale of Materials.‡

Chinese Concession.—In the event of German ships, no longer fit for sea, being broken up in an open port of China, the material may be sold without any import duty being levied upon it. But if the materials are to be brought ashore, a " permit of discharge " must first be obtained for them from the Customs Inspectorate, in the same manner as in the case of merchandise.

Passports for the Interior.§

German Concession.—If German subjects travel into the interior for their own pleasure without being in possession of a passport issued by the Consul and stamped by the proper Chinese authority, the local authorities concerned are entitled to have them taken back to the nearest German Consulate, in order that the requisite supervision may be exercised over them. The offender is, in addition to this, liable to a fine up to 300 taels.

ARTICLE VII.

Materials for German Docks.¶ Freedom from Duty.

Chinese Concession.—Materials for German docks are free of duty. A list of articles which may be imported free of duty in conformity with this stipulation is to be drawn up and published by the Inspector-General of Customs.

Passes for Foreign Merchandise into the Interior. Passports§ for Travellers.

German Concession.—Passes issued to German subjects for conveying foreign merchandise into the interior, as well as passports for the purpose of travelling issued to German subjects, are only to remain in force for a period of 13 Chinese months from the day on which they were issued.

* See also Special Regulations, Section 4. Page 347.
† See also Special Regulations, Section 5. Page 347.
‡ See also Special Regulations, Section 6. Page 348.
§ See also Special Regulations, Section 7. Page 348.
¶ See also Special Regulations, Section 8. Page 349.

ARTICLE VIII.

Judicial Proceedings in mixed Cases. Taxation of Foreign Merchandise, and of Chinese Goods in possession of Foreign Merchants, in the Interior. Official Intercourse.

The settlement of the questions relating to judicial proceedings in mixed cases, the taxation of foreign merchandise in the interior, the taxation of Chinese goods in the possession of foreign merchants in the interior, and intercourse between foreign and Chinese officials, are to become the subject of special negotiations, which both Governments hereby declare themselves ready to enter upon.

ARTICLE IX.

Confirmation of Treaty of 2nd September, 1861, except where modified.

All the provisions of the former Treaty of the 2nd September, 1861 (**No. 56**), which have not been altered by this Agreement, are hereby confirmed anew, as both parties now expressly declare.

In the case of those Articles, on the other hand, which are affected by the present Agreement, the new interpretation of them is to be considered as binding.

ARTICLE X.

Ratifications.

The present Supplementary Convention shall be ratified by their Majesties, and the ratifications exchanged at Peking within a year* from the date of its signature.

The provisions of this Agreement come into force on the day of the exchange of the ratifications.

In witness whereof the Penipotentiaries of both the High Contracting Powers have signed and sealed with their seals the above Agreement in four copies, in the German and Chinese texts, which have been compared and found to correspond.

Done at Peking the 31st March, 1880, corresponding to the 21st day of the 2nd month of the 6th year Kuangsü.

(L.S.) M. VON BRANDT.
(L.S.) SHÊN-KUÉ-FEN.
(L.S.) CHING-LIEN.

SPECIAL STIPULATIONS, 31*st March*, 1880.

(Translation.)

FOR the sake of greater clearness and completeness, it has seemed fitting to append a number of special stipulations to the Supplementary Convention.

* The time allowed for exchange of Ratifications was prolonged by the *Agreement of 21st August, 1880.* See Edition of 1896.

The following stipulations must be observed by the subjects of both the Contracting Parties, in the same way as the stipulations of the Treaty itself. In proof whereof the Plenipotentiaries of the two States have thereto set their seals and signatures :—

German Trade at Wusung.

Sec. 1.—In accordance with the newly-granted privileges for the port of Wusung, in the Province of Kiangsu, German ships shall be at liberty to take in and to unload there merchandise which is either intended for Shanghai or comes from Shanghai; and for this purpose the competent authorities there shall have the right of devising Regulations in order to prevent frauds on the taxes and irregularities of every kind; which Regulations shall be binding for the merchants of both countries. German merchants are not at liberty to construct landing-places for ships, merchants' houses, or warehouses at the said place.

Bonded Warehouses.

Sec. 2.—An experiment to ascertain whether bonded warehouses can be established in the Chinese open ports shall first be made at Shanghai. For this purpose the Customs Director at the said place, with the Customs Inspector-General, shall forthwith draw up Regulations suitable to the local conditions, and then the said Customs Director and his colleagues shall proceed to the establishment of such bonded warehouse.

Ships' Manifests.

Sec. 3.—If any goods found on board a German ship, for the discharge whereof a written permit from the Customs Office is required, are not entered in the manifest, this shall be taken as a proof of a false manifest, no matter whether a certificate of the reception of such goods on board, bearing the captain's signature, be produced or not.

Repairs of German Ships.

Sec. 4.—If a German ship, in consequence of damages received in one of the open Chinese ports, or outside thereof, need repair, the time required for such repair shall be reckoned in addition to the term after the lapse of which tonnage dues are to be paid. The Chinese authorities have the right to make the necessary arrangements for this purpose. But if it appears therefrom that this is only a pretext and a design to evade the legal payments to the Customs chest, the ship therein concerned shall be fined in double the amount of the tonnage dues whereof it has tried to evade the payment.

Non-use of German Flag by Chinese Subjects.

Sec. 5.—No ships of any kind which belong to Chinese subjects are allowed to make use of the German flag. If there are definite

grounds for suspicion that this has, nevertheless, been done, the Chinese authority concerned is to address an official communication thereon to the German Consul, and if it should be shown, in consequence of the investigations instituted by him, that the ship was really not entitled to bear the German flag, the ship as well as the goods found therein, so far as they belong to Chinese merchants, shall be immediately delivered over to the Chinese authorities for further disposal. If it be ascertained that German subjects were aware of the circumstances and took part in the commission of the irregularity, the whole of the goods belonging to them found in the ship are liable to confiscation, and the people themselves to punishment according to law.

Non-use of Chinese Flag by German Ships without authority.

In case a German ship carries the Chinese flag without authority to do so, then, if it be ascertained through the investigation made by the Chinese authorities that the ship was really not entitled to bear the Chinese flag, the ship, as well as the goods found therein, so far as they belong to German merchants, shall be immediately delivered over to the German Consul for further disposal and the punishment of the guilty. If it be shown that German owners of goods were aware of the circumstance and took part in the commission of this irregularity, all the goods belonging to them found in the ship incur the penalty of confiscation by the Chinese authorities. The goods belonging to Chinese may be immediately seized by the Chinese authorities.

Broken-up Ships.

Sec. 6.—If, on the sale of the materials of a German ship, which, from unseaworthiness, has been broken up in one of the open Chinese ports, an attempt be made to mix up with them goods belonging to the cargo, these goods shall be liable to confiscation, and, moreover, to a fine equal to double the amount of the import duty which they would otherwise have had to pay.

Passports for the Interior.

Sec. 7.—If German subjects go into the interior with foreign goods, or travel there, the passes or certificates issued to them shall only be valid for 13 Chinese months, reckoned from the day of their issue, and after the lapse of that term must no longer be used. The expired passes and certificates must be returned to the Customs authority in whose official district they were issued, in order to be cancelled.

N.B.—If a pleasure excursion be undertaken into regions so distant that the term of a year appears insufficient, this must be noted on the pass by reason of an understanding between the Consul and the Chinese authority at the time it is issued.

If the return of the passport be omitted, no further pass shall

be issued to the person concerned until it has taken place. If the pass be lost, no matter whether within the term or after its expiration, the person concerned must forthwith make a formal declaration of the fact before the nearest Chinese authority. The Chinese official applied to will then do what else may be necessary for the invalidation of the pass. If the recorded declaration proves to be untrue, then, in case the transport of goods be concerned, they will be confiscated; but, if the matter relate to travelling, the traveller will be taken to the nearest Consul, and be delivered up to him for punishment.

Materials for German Docks.

Sec. 8.—Materials for German docks only enjoy, in so far as they are actually employed for the repair of ships, the favour of duty-free importation in open ports. The Customs authority has the right to send inspectors to the dock to convince themselves on the spot as to the manner and way in which the materials are being used. If the construction of a new ship be concerned the materials employed for this, in so far as they are specially entered in the Import or Export Tariff, will be reckoned at the Tariff duty, and those not entered in the Tariff at a duty of 5 per cent. *ad valorem*, and the merchant concerned will be bound to pay this duty subsequently.

Concessions for Docks.

Any one who wishes to lay out a dock is to get from the Customs office a gratis Concession certificate, and to sign a written undertaking, the purport and wording thereof is to be settled in due form by the Customs office concerned.

Sec. 9.—Article XXIX of the Treaty of the 2nd September, 1861 (**No. 56**), shall be applicable to the fines established by this present Supplementary Convention.

Done at Peking the 31st March, 1880, corresponding with the 21st day of the 2nd month of the 6th year Kuangsü.

(L.S.) M. von BRANDT.
(L.S.) SHÊN-KUÊ-FEN.
(L.S.) CHING-LIEN.

(**No. 58.**) *EXCHANGE OF NOTES between China and Germany respecting Tonnage Dues. Peking, 31st March, 1880.*

(1).—*The Prince of Kung and the Ministers of the Tsung-li Yamên to Herr von Brandt.*

Kuangsü, 6th year, 2nd month, 21st day.
(Translation.) (*Peking, 31st March, 1880.*)

With regard to the stipulation contained in the 2nd Article of the Supplementary Convention concluded on occasion of the Treaty

revision,* that German sailing-ships which lie for a longer time than 14 days in a Chinese port shall only pay for the time beyond that term the moiety of the tonnage dues settled by Treaty, the Plenipotentiaries of the two Contracting Parties have agreed and declared that the said stipulation shall first of all be introduced by way of trial, and that in case, on carrying it out, practical difficulties should arise, another stipulation may be put in its place on the basis of a renewed joint discussion by both parties.

(Prince Kung and the Ministers of the Tsung-li Yamên.)

(2).—*Herr von Brandt to the Prince of Kung and the Ministers of the Tsung-li Yamên.*

(Translation.)

IMPERIAL HIGHNESS, *Peking, 31st March,* 1880.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the German Empire, has had the honour of receiving the note which His Imperial Highness Prince Kung and their Excellencies the Ministers of the Tsung-li Yamên have addressed to him this day, and in which they say as follows in regard to Article II of the Supplementary Convention of the 31st March, 1880, as agreed to :—

"With regard to the stipulation contained in the 2nd Article of the Supplementary Convention concluded on occasion of the Treaty revision, that German sailing-ships which lie for a longer time than 14 days in a Chinese port shall only pay for the time beyond that term the moiety of the tonnage dues settled by Treaty, the Plenipotentiaries of the two Contracting Parties have agreed and declared that the said stipulation shall first of all be introduced by way of trial, and that in case, on carrying it out, practical difficulties should arise, another stipulation shall be put in its place on the basis of a renewed joint discussion by both parties."

In declaring his express consent to this agreement, the Undersigned avails, &c.

M. VON BRANDT, *Imperial Envoy.*

(No. 59.) *TREATY between China and Germany respecting the Lease of Kiao-chau to Germany.* † *Signed at Peking, 6th March,* 1898.

[Signed in German and Chinese.]

(Translation.)

THE incidents connected with the Mission in the Prefecture of Tsao-chau-foo, in Shantung, being now closed, the Imperial Chinese Government consider it advisable to give a special proof of their grateful appreciation of the friendship shown to them by Germany.

* Page 343. † Parliamentary Paper. China, No. 1 (1899), page 69.

The Imperial German and the Imperial Chinese Governments, therefore, inspired by the equal and mutual wish to strengthen the bonds of friendship which unite the two countries, and to develop the economic and commercial relations between the subjects of the two States, have concluded the following separate Convention :—

SECTION I.

ARTICLE I.

Free Passage of German Troops. Reservations.

His Majesty the Emperor of China, guided by the intention to strengthen the friendly relations between China and Germany, and at the same time to increase the military readiness of the Chinese Empire, engages, while reserving to himself all rights of sovereignty in a zone of 50 kilom. (100 Chinese *li*) surrounding the Bay of Kiao-chau at high water, to permit the free passage of German troops within this zone at any time, as also to abstain from taking any measures, or issuing any Ordinances therein, without the previous consent of the German Government, and especially to place no obstacle in the way of any regulation of the water-courses which may prove to be necessary. His Majesty the Emperor of China, at the same time, reserves to himself the right to station troops within that zone, in agreement with the German Government, and to take other military measures.

ARTICLE II.

Lease of Kiao-chau.

With the intention of meeting the legitimate desire of His Majesty the German Emperor, that Germany like other Powers should hold a place on the Chinese coast for the repair and equipment of her ships, for the storage of materials and provisions for the same, and for other arrangements connected therewith, His Majesty the Emperor of China cedes to Germany on lease, provisionally for ninety-nine years, both sides of the entrance to the Bay of Kiao-chau.

Fortifications.

Germany engages to construct, at a suitable moment, on the territory thus ceded, fortifications for the protection of the buildings to be constructed there and of the entrance to the harbour.

ARTICLE III.

Administration.

In order to avoid the possibility of conflicts, the Imperial Chinese Government will abstain from exercising rights of sovereignty in the ceded territory during the term of the lease, and leaves the exercise of the same to Germany, within the following limits :—

Limits.

1. On the northern side of the entrance to the bay:

The peninsula bounded to the north-east by a line drawn from the north-eastern corner of Potato Island to Loshan Harbour.

2. On the southern side of the entrance to the bay:

The peninsula bounded to the south-west by a line drawn from the south-westernmost point of the bay lying to the south-south-west of Chiposan Island in the direction of Tolosan Island.

3. The Island of Chiposan and Potato Island.

4. The whole water area of the bay up to the highest water-mark at present known.

5. All islands lying seaward from Kiao-chau Bay, which may be of importance for its defence, such as Tolosan, Chalienchow, &c.

The High Contracting Parties reserve to themselves to delimitate more accurately, in accordance with local traditions, the boundaries of the territory leased to Germany and of the 50-kilom. zone round the bay, by means of Commissioners to be appointed on both sides.

Chinese Ships.

Chinese ships of war and merchant-vessels shall enjoy the same privileges in the Bay of Kiao-chau as the ships of other nations on friendly terms with Germany; and the entrance, departure, and sojourn of Chinese ships in the bay shall not be subject to any restrictions other than those which the Imperial German Government, in virtue of the rights of sovereignty over the whole of the water area of the bay transferred to Germany, may at any time find it necessary to impose with regard to the ships of other nations.

ARTICLE IV.

Navigation Signals. Port Dues.

Germany engages to construct the necessary navigation signals on the islands and shallows at the entrance of the bay.

No dues shall be demanded from Chinese ships of war and merchant-vessels in the Bay of Kiao-chau, except those which may be levied upon other vessels for the purpose of maintaining the necessary harbour arrangements and quays.

ARTICLE V.

Provision of return to China of Kiao-chau before Expiration of Lease.

Should Germany at some future time express the wish to return Kiao-chau Bay to China before the expiration of the lease, China engages to refund to Germany the expenditure she has incurred at Kiao-chau, and to cede to Germany a more suitable place.

Germany engages at no time to sublet the territory leased from China to another Power.

Protection of Chinese Residents.

The Chinese population dwelling in the ceded territory shall at all times enjoy the protection of the German Government, provided that they behave in conformity with law and order; unless their land is required for other purposes, they may remain there.

If land belonging to Chinese owners is required for any other purpose, the owner will receive compensation.

Customs Regulations.

As regards the re-establishment of Chinese customs stations which formerly existed outside the ceded territory but within the 50-kilom. zone, the Imperial German Government intends to come to an agreement with the Chinese Government for the definitive regulation of the customs frontier, and the mode of collecting customs duties, in a manner which will safeguard all the interests of China, and proposes to enter into further negotiations on the subject.

[SECTIONS II. AND III.]*

* The following Précis of Sections II. and III. was published in Parliamentary Paper, China, No. 1 (1899), Page 152:—

SECTION II.—*Railways and Mines.*

1. China agrees to permit Germany to construct two railway lines in the Province of Shantung: one from Kiao-chau, past Wei Hsien, Ch'ing Chau, Po-shan, Tzū-ch'uan and Tsou-p'ing to Chi-nan and the Shantung frontier; the other from Kiao-chau to I-chou, and thence past Lai-wu Hsien to Chi-nan Fu. The railway from Chi-nan Fu to the frontier of Shantung is not to be begun until the line to Chi-nan Fu has been built, in order that arrangements may be made for a junction with the main line constructed by China. The route of the line is to be left for future arrangement.

2. For the construction of the above-mentioned lines a German-Chinese Company is to be formed (the Deutsche-Chinesische Gesellschaft), in which German and Chinese merchants may take shares.

3. Arrangements for carrying out the above are to be made by the two countries as soon as possible.

The German-Chinese Company is to receive favourable treatment from China, and to enjoy all the other privileges granted to Chinese-European (or foreign) commercial Companies established elsewhere in China.

This Article is conceived only in the interests of commerce; it has no other design, and the railways mentioned in no way constitute an annexation of Shantung territory.

4. Within 30 *li* (10 miles) of the above railways—as, for instance, in Wei Hsien and Po-shan Hsien, on the northern line from Kiao-chau to Chi-nan Fu, and in I-chou Fu and Lai-wu Hsien, on the southern line, from Kiao-chau viâ I-chou to Chi-nan Fu—Germany is permitted to excavate coal, &c. The necessary works may be undertaken by German and Chinese merchants combining their capital. Mining Regulations will be subsequently drawn up. The German merchants and workmen shall, as in the case of railways, receive favourable treatment from China and the same privileges as other Companies.

This Article is also conceived only in the interests of trade, and has no other design.

SECTION III.

If within the Province of Shantung any matters are undertaken (N.B., the wording is very wide) for which foreign capital or assistance is invited, China agrees that the German merchants concerned shall first be asked whether they wish to undertake the works and provide the materials. If they do, China may make any arrangement she pleases.

Ratifications.

The above Agreement shall be ratified by the Sovereigns of both the Contracting States, and the ratifications exchanged in such manner that, after the receipt in Berlin of the Treaty ratified by China, the copy ratified by Germany shall be handed to the Chinese Minister in Berlin.

The foregoing Treaty has been drawn up in four copies, two in German and two in Chinese, and was signed by the Representatives of the two Contracting States on the 6th March, 1898, equal to the 14th day of the 2nd month in the 24th year Kuang-hsü.

(Great Seal of the Tsung-li Yamên.)

BARON VON HEYKING, *Imperial German Minister.*

LI HUNG-CHANG (in Chinese), *Imperial Chinese Grand Secretary, Minister of the Tsung-li Yamên, &c., &c.*

WENG TUNG-HO (in Chinese), *Imperial Chinese Grand Secretary, Member of the Council of State, Minister of the Tsung-li Yamên, &c., &c.*

(No. 60.) *TREATY of Friendship, Commerce, and Navigation between Italy and China. Signed at Peking, 26th October,* 1866.*

[Signed also in Chinese.]

[Ratifications exchanged at Shanghai, November 12, 1867.]

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Denmark, **No. 38,** Art. I.]

ARTICLE II.

Appointment of Diplomatic Agents.

[Similar to Great Britain, **No. 6,** Art. II.]

ARTICLE III.

Visits of Italian Diplomatic Agent to Peking. Privileges and Immunities.

[Similar to Denmark, **No. 38,** Art. III.]

ARTICLE IV.

Receipt and Transmission of Correspondence. Privileges to Couriers. Expenses of Mission to be borne by Italian Government.

[Same as Great Britain, **No. 6,** Art. IV

* "State Papers." Vol. 61. Page 144.

ARTICLE V.

Transaction of business between Italian Representative and Chinese Ministers.

[Same as Denmark, **No. 38,** Art. V.]

ARTICLE VI.

Similar Privileges to Chinese Diplomatic Agents in Italy.

[Same as Great Britain, **No. 6,** Art. VI.]

ARTICLE VII.

Appointment of Consuls. Communication between Consuls and Chinese Authorities. Permission to Foreign Consuls to act as Italian Consuls. Superintendent of Customs may be applied to in absence of Consul.

[Same as Denmark, **No. 38,** Art. VII, with the following addition:]

In mancanza di Console o di chi ne faccia le veci, i sudditi Italiani potranno rivolgersi al Direttore della dogana, il quale tutelerà, i loro interessi a norma dei vigenti Regolamenti.

ARTICLE VIII.

Religious Toleration. Chinese Converts.

[§ 1, same as Denmark, **No. 38,** Art. VIII, with the following addition:]

§ 2.—Nessun impedimento sará posto dalle autoritá Chinese a che tale o tale altro subdito dell'Impero possa, se lo vuole, abbracciare la religione cristiana e seguirne pubblicamente i riti.

ARTICLE IX.

Passports.

[Similar to Great Britain, **No. 6,** Art. IX, *minus* the last clause.]

ARTICLE X.

Transaction of business between Italian and Chinese Authorities, &c. Correspondence.

[Similar to France, **No. 40,** Art. IV.]

ARTICLE XI.

Ports open to Italian Merchant Vessels. Freedom of Trade in open Ports; right to build or rent Houses, lease Lands, and build Churches, Hospitals, and Cemeteries.

[Similar to Denmark, **No. 38,** Art. XI.]

ARTICLE XII.

Rent of Houses, Churches, Hospitals, Burial-Grounds, &c.

[Same as Great Britain, **No. 6,** Art. XII.]

ARTICLE XIII.

Employment of Chinese by Italian Subjects. Freedom to learn the Chinese Language, and to teach Foreign Languages. Sale and Purchase of Books.

[Similar to France, **No. 40,** Art. XI.]

ARTICLE XIV.

Hire of Boats by Italian subjects. No Monopoly. Punishment for Smuggling.

[Similar to Great Britain, **No. 6,** Art. XIV.]

ARTICLE XV.

Jurisdiction of Italian Authorities over Italian Subjects in China. Jurisdiction in Disputes between Italian and Foreign Subjects. Jurisdiction in cases in which Chinese Subjects are parties.

[Similar to Denmark, **No. 38,** Art. XV.]

ARTICLE XVI.

Chinese Criminals to be punished by Chinese Authorities, and Italian Criminals by Italian Authorities.

[Similar to Denmark, **No. 38,** Art. XVI.]

ARTICLE XVII.

Disputes between Italians and Chinese. Consular Intervention.

[Same as Great Britain, **No. 6,** Art. XVII.]

ARTICLE XVIII.

Protection of Italian Subjects and Property. Punishment for neglect of duty. Embargo on Italian Vessels forbidden.

[Similar to Denmark, **No. 38,** Art. XVIII, with following clause introduced after " insulto o violenza " in the Italian version :]

Queste autoritá non potranno, in nessuna circonstanza, porre *embargo* sulle navi Italieni, né colpire di requisizioni per qualsiasi servizio pubblico o privato.

ARTICLE XIX.

Prevention of Piracy. Punishment for neglect of duty.

[Similar to Denmark, **No. 38,** Art. XIX.]

ARTICLE XX.

Wrecks.

[Same as Great Britain, **No. 6**, Art. XX.]

ARTICLE XXI.

Italian Commerce not to be restricted in case of War between China and another Power. Blockades.

[Same as France, **No. 40**, Art. XXXI.]

ARTICLE XXII.

Surrender of Chinese Criminals. Surrender of Italian Deserters and others.

[§ 1.—Similar to Great Britain, **No. 6**, Art. XXI, § 2.]
[§ 2.—Similar to France, **No. 40**, Art. XXXII, § 1.]

ARTICLE XXIII.

Chinese and Italian fraudulent Debtors.

[Same as Denmark, **No. 38**, Art. XXII.]

ARTICLE XXIV.

Import and Export Duties. Most-favoured-nation Treatment.

[§ 1.—Same as Great Britain, **No. 6**, Art. XXIV.]
[§ 2.—Same as Germany, **No. 56**, Art. XV, § 2.]

ARTICLE XXV.

Payment of Import and Export Duties.

[Same as Great Britain, **No. 6**, Art. XXV.]

ARTICLE XXVI.

Duration and Revision of Treaty and Tariff.

[Same as Great Britain, **No. 6**, Art. XXVII (except that the first period for revision is fixed at the end of June, 1878), with the following addition :]

Qualora poi, nei primi dodici anni, alcuna delle Potenze che hanno Trattati colla China, proponesse la revisione della tariffa e degli articoli relativi al commercio, l'Italia avrebbe diritto di presentare anch'essa le sue proposizioni.

ARTICLE XXVII.

Transit Dues.

[Same as Denmark, **No. 38**, Art. XXVII.]

ARTICLE XXVIII.

Tonnage Duties. Exemptions.

[Same as Great Britain, **No. 6**, Art. XXIX.]

ARTICLE XXIX.

Tonnage Dues. Exemption from Payment in certain cases.

[Same as Great Britain, **No. 6**, Art. XXX.]

ARTICLE XXX.

Boats used for conveyance of Merchandise, Passengers, &c., free from Tonnage Duties.

[Similar to Belgium, **No. 34**, Art. XXXII, § 3.]

ARTICLE XXXI.

Buoys, Beacons, Lighthouses, &c.

[Same as Great Britain, **No. 6**, Art. XXXII.]

ARTICLE XXXII.

Duties to be paid to Bankers authorized by Chinese Government.

[Similar to Denmark, **No. 38**, Art. XXXII.]

ARTICLE XXXIII.

Standard Weights and Measures to be delivered to Consuls.

[Same as Denmark, **No. 38**, Art. XXXIII.]

ARTICLE XXXIV.

Pilots.

[Same as Great Britain, **No. 6**, Art. XXXV, with the following addition:]

Il diritto di pilotaggio e le questioni relative ai piloti sono determinate da speciale Regolamento, fatto di concerto dai Consoli di tutte le nazioni e dall' autoritá Chinese.

ARTICLE XXXV.

Custom-House Guards.

[Similar to Great Britain, **No. 6**, Art. XXXVI.]

ARTICLE XXXVI.

Delivery of Ships' Papers to Italian Consul. Penalties for neglect and giving false Manifest.

[Similar to Great Britain, **No. 6**, Art. XXXVII.]

ARTICLE XXXVII.

Permit to open Hatches and discharge Goods. Penalty for discharging without permission. [50 *taels inserted instead of* 500. *Error corrected by a Royal Decree, 23rd October,* 1868.]

[Same as Great Britain, **No. 6,** Art. XXXVIII.]

ARTICLE XXXVIII.

Permits to Land and Ship Cargoes.

[Same as Great Britain, **No. 6,** Art. XXXIX.]

ARTICLE XXXIX.

Trans-shipments.

[Same as Great Britain, **No. 6,** Art. XL.]

ARTICLE XL.

Port-clearances.

[Same as Denmark, **No, 38.** Art. XL.]

ARTICLE XLI.

Mode of levying ad valorem *Duties.*

[Same as Great Britain, **No. 6,** Art. XLII.]

ARTICLE XLII.

Mode of Levying Duties on Goods.

[Similar to Great Britain, **No. 6,** Art. XLIII.]

ARTICLE XLIII.

Reduction of Duty on Damaged Goods.

[Same as Great Britain, **No. 6,** Art. XLIV.]

ARTICLE XLIV.

Coasting Trade. Drawbacks.

[Similar to Denmark, **No. 38,** Art. XLIV.]

ARTICLE XLV.

Re-exportation of Goods. Drawbacks. Foreign Grain.

[Same as Denmark, **No. 38,** Art. XLV, with following addition, after § 2.]

Alternative for Drawback Certificates.

A vece delle cedole di ritorno, si potrá ottenere dalla dogana un permesso di sbarco delle merci in franchigia di diritto (*mien-shoi-tan*) valevole per altro porto della China.

ARTICLE XLVI.

Prevention of Fraud and Smuggling.

[Same as Great Britain, **No. 6,** Art. XLVI.]

ARTICLE XLVII.

Italian Vessels trading with non-open Ports liable to Confiscation.

[Similar to Great Britain, **No. 6,** Art. XLVII.]

ARTICLE XLVIII.

Smuggling. Confiscation of Cargo.

[Similar to Great Britain, **No. 6,** Art. XLVIII.]

ARTICLE XLIX.

Penalties and Confiscations to belong to Chinese Government.

[Same as Great Britain, **No. 6,** Art. XLIX.]

ARTICLE L.

Official Correspondence to be in Italian and Chinese.

[Similar to Belgium, **No. 34,** Art. VIII.]

ARTICLE LI.

The Chinese character "I" 夷 (barbarian) not to be applied to the Italian Government or to Italian Subjects.

[Similar to Great Britain, **No. 6,** Art. LI.]

ARTICLE LII.

Facilities to Italian Ships of War. Piracy, &c.

[Same as Great Britain, **No. 6,** Art. LII.]

ARTICLE LIII.

Measures to be taken for Suppression of Piracy.

[Same as Great Britain, **No. 6,** Art. LIII.]

ARTICLE LIV.

Most-favoured-nation Treatment to Italian Government and Subjects.

[Similar to Great Britain, **No. 6,** Art. LIV, with the following addition:]

Italian Government willing to adhere to Concessions granted to China.

Similmente, se alcune delle Potenze Europee facesse alla China qualche utile concessione, la quale non fosse preguidicevole agl'interessi del Governo o dei sudditi Italiani, il Governo de Sua Maestá il Ré farebbe ogni sforzo per aderirvi.

ARTICLE LV.

Ratifications.

Le ratificazioni del presente Trattato da parte di Sua Maestá il Re d'Italia e di Sua Maestá l'Imperatore della China saranno rispettivamente scambiate a Changhaï o a Tien-tsin entro un anno, a partire dal giorno della firma.

In fede di che i rispettivi Plenipotenziari hanno sottoscritto il presente Trattato, e vi hanno apposto i loro suggelli.

Fatto a Pekino in quattro spedizioni, il ventisei ottobre dell'anno mille ottocento sessantasei. Il diciottesimo giorno del nono mese dell'anno quinto del regno di Tong-Tche.

(L.S.) V. ARMINJON.
(L.S.) T'HAN.
(L.S.) TSONG.

[Here follow Commercial Regulations, similar to Great Britain, **No. 7.**]

(No. 61.) *CONVENTION between China and Japan, for the Withdrawal of Chinese and Japanese Troops from Corea. Signed at Tientsin, 18th April,* 1885.

(Translation.)

Ito, Ambassador Extraordinary of the Great Empire of Japan, Minister of State and the Imperial Household, First Class of the Order of the Rising Sun and Count of the Empire;

Li, Special Plenipotentiary of the Great Empire of China, Grand Guardian of the Heir Apparent, Senior Grand Secretary of State, Superintendent of the North Sea Trade, President of the Board of War, Viceroy of Chi-li and Count Shiriu-ki of the first rank;

In obedience to the Decrees which each of them respectively is bound to obey, after conference held, have agreed upon a Convention with a view to preserving and promoting friendly relations (between the two Great Empires), the articles of which are set down in order as follow:—

It is hereby agreed that China shall withdraw her troops now stationed in Corea, and that Japan shall withdraw hers stationed therein for the protection of her Legation. The specific term for effecting the same shall be four months commencing from the date of the signing and sealing of this Convention, within which term they shall respectively accomplish the withdrawal of the whole number of each of their troops, in order to avoid effectively any complications between the respective countries; the Chinese troops shall embark from Masan-Po, and the Japanese from the port of Ninsen.

The said respective Powers mutually agree to invite the King

of Corea to instruct and drill a sufficient armed force, that she may herself assure her public security, and to invite him to engage into his service an officer or officers from amongst those of a third Power, who shall be entrusted with the instruction of the said force. The respective Powers also bind themselves, each to the other, henceforth not to send any of their own officers to Corea for the purpose of giving said instruction.

In case of any disturbance of a grave nature occurring in Corea which necessitates the respective countries or either of them to send troops to Corea, it is hereby understood that they shall give, each to the other, previous notice in writing of their intention so to do, and that after the matter is settled they shall withdraw their troops and not further station them there.

Signed and sealed this 18th day of the 4th month of the 18th year of Meiji (Japanese Calendar); the 4th day of the 3rd moon of the 11th year of Kocho (Chinese Calendar).

(L.S.) ITO, *Ambassador Extraordinary of the Great Empire of Japan, &c.*

(L.S.) LI, *Special Plenipotentiary of the Great Empire of China, &c.*

(No. 62.) *TREATY OF PEACE between China and Japan. Signed at Shimonoseki, 17th April*, 1895.

(Translation.)

[Ratifications exchanged at Chefoo, May 8, 1895.]

His Majesty the Emperor of Japan, and His Majesty the Emperor of China, desiring to restore the blessings of peace* to their countries and subjects and to remove all cause for future complications, have named as their Plenipotentiaries for the purpose of concluding a Treaty of Peace, that is to say :—

[Here follow the Names and Titles of the Plenipotentiaries.]

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles :—

ARTICLE I.

Independence of Corea.

China recognizes definitely the full and complete independence and autonomy of Corea, and, in consequence, the payment of tribute and the performance of ceremonies and formalities by Corea to China in derogation of such independence and autonomy shall wholly cease for the future.

* War was declared by Japan against China on the 3rd August, 1894, and a British Proclamation of Neutrality was issued on the 7th of the same month.

ARTICLE II.

Territorial Cessions by China to Japan.

China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications, arsenals, and public property thereon :—

Southern Portion of Fêng-Tien Province.

(*a*) The southern portion of the Province of Fêng-Tien,* within the following boundaries—

The line of demarcation begins at the mouth of the River Yalu, and ascends that stream to the mouth of the River An-ping ; from thence the line runs to Fêng Huang ; from thence to Haicheng ; from thence to Yinkou, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Yinkou it follows the course of that stream to its mouth, where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.

This cession also includes all islands appertaining or belonging to the Province of Fêng-Tien situated in the eastern portion of the Bay of Liao Tung, and in the northern part of the Yellow Sea.

Island of Formosa.

(*b*) The island of Formosa, together with all islands appertaining or belonging to the said Island of Formosa.

Pescadores Group.

(*c*) The Pescadores Group, that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich, and the 23rd and 24th degrees of north latitude.

ARTICLE III.†

Boundary Commission to be appointed.

The alignments of the frontiers described in the preceding Article, and shown on the annexed map,‡ shall be subject to verification and demarcation on the spot by a Joint Commission of Delimitation, consisting of two or more Japanese and two or more Chinese Delegates, to be appointed immediately after the exchange of the ratifications of this Act. In case the boundaries laid down in this Act are found to be defective at any point, either on account of topography or in consideration of good administration, it shall also be the duty of the Delimitation Commission to rectify the same.

* See Japanese Proclamation, 10th of May, 1895. Page 369 ; and Convention of 8th November, 1895 (No. 63.).

† See Convention of 8th November, 1895 (No. 63), Article 1.

‡ Not published with Treaty. Article suppressed by Article 1 of Convention of 8th November, 1895 (No. 63.).

The Delimitation Commission will enter upon its duties as soon as possible, and will bring its labours to a conclusion within the period of one year after appointment.

The alignments laid down in this Act shall, however, be maintained until the rectifications of the Delimitation Commission, if any are made, shall have received the approval of the Governments of Japan and China.

ARTICLE IV.

War Indemnity to be paid by China to Japan.

China agrees to pay to Japan as a war indemnity the sum of 200,000,000 Kuping taels. The said sum to be paid in eight instalments. The first instalment of 50,000,000 taels to be paid within six months, and the second instalment of 50,000,000 taels to be paid within twelve months after the exchange of the ratifications of this Act. The remaining sum to be paid in six equal annual instalments as follows: the first of such equal annual instalments to be paid within two years, the second within three years, the third within four years, the fourth within five years, the fifth within six years, and the sixth within seven years after the exchange of the ratifications of this Act. Interest at the rate of 5 per cent. per annum shall begin to run on all unpaid portions of the said indemnity from the date the first instalment falls due.

China shall, however, have the right to pay by anticipation at any time any or all of said instalments. In case the whole amount of the said indemnity is paid within three years after the exchange of the ratifications of the present Act, all interest shall be waived, and the interest for two years and a half, or for any less period if then already paid, shall be included as a part of the principal amount of the indemnity.

ARTICLE V.

Right of Inhabitants to emigrate from Territory ceded to Japan.

The inhabitants of the territories ceded to Japan who wish to take up their residence outside the ceded districts shall be at liberty to sell their real property and retire. For this purpose a period of two years from the date of the exchange of the ratifications of the present Act shall be granted. At the expiration of that period those of the inhabitants who shall not have left such territories shall, at the option of Japan, be deemed to be Japanese subjects.

Appointment of Commissioners to effect transfer of Formosa to Japan.

Each of the two Governments shall, immediately upon the exchange of the ratifications of the present Act, send one or more Commissioners to Formosa to effect a final transfer of that province, and within the space of two months after the exchange of the ratifications of this Act such transfer shall be completed.

ARTICLE VI.

Termination of previous Treaties between China and Japan. New Treaties of Commerce, &c., to be concluded.

All treaties* between Japan and China having come to an end in consequence of war, China engages, immediately upon the exchange of the ratifications of this Act, to appoint Plenipotentiaries to conclude with the Japanese Plenipotentiaries a Treaty† of Commerce and Navigation, and a Convention‡ to regulate frontier intercourse and trade. The Treaties, Conventions, and Regulations now subsisting between China and European Powers shall serve as a basis for the said Treaty and Convention between Japan and China.

Most-favoured-nation Treatment to be conceded by China to Japan.

From the date of the exchange of the ratifications of this Act until the said Treaty and Convention are brought into actual operation, the Japanese Government, its officials, commerce, navigation, frontier intercourse and trade, industries, ships, and subjects shall, in every respect, be accorded by China most-favoured-nation treatment.

Further Chinese Cities, Towns, and Ports to be opened to Japanese Trade, Industries, &c.

China makes, in addition, the following concessions, to take effect six months after the date of the present Act :—

1. The following cities, towns, and ports, in addition to those already opened, shall be opened to the trade, residence, industries, and manufactures of Japanese subjects, under the same conditions, and with the same privileges and facilities as exist at the present open cities, towns, and ports of China.

(1) Shashih,§ in the Province of Hupeh.
(2) Chungking, in the Province of Szechuen.
(3) Soochow, in the Province of Kiang Su.
(4) Hang-chow, in the Province of Chekiang.

Appointment of Japanese Consuls at New Ports.

The Japanese Government shall have the right to station Consuls at all or any of the above-named places.

Extension of Steam Navigation on Upper Yang-tsze River, and on Woosung River and Canal.

2. Steam navigation for vessels under the Japanese flag for the conveyance of passengers and cargo shall be extended to the following places :—

(1) On the Upper Yang-tsze River, from Ichang to Chungking.

* For Treaty of Commerce, &c., between Japan and China, signed at Tientsin, 13th September, 1871, see Edition of 1896. † See **No. 64.** Page 373.
‡ See Convention of 8th November, 1895 (**No. 63**), Article I. § Shasi.

(2) On the Woosung River and the Canal, from Shanghai to Soochow and Hang-chow.

Navigation of Inland Waters of China.

The Rules and Regulations which now govern the navigation of the inland waters of China by foreign vessels, shall, so far as applicable, be enforced in respect of the above-named routes until new Rules and Regulations are conjointly agreed to.

Japanese Trade with the Interior of China. Right to rent or hire Warehouses, &c.

3. Japanese subjects purchasing goods or produce in the interior of China or transporting imported merchandise into the interior of China, shall have the right temporarily to rent or hire warehouses for the storage of the articles so purchased or transported, without the payment of any taxes or exactions whatever.

Engagement of Japanese in Manufacturing Industries in Chinese Open Towns and Ports. Importation of Machinery.

4. Japanese subjects shall be free to engage in all kinds of manufacturing industries in all the open cities, towns, and ports of China, and shall be at liberty to import into China all kinds of machinery, paying only the stipulated import duties thereon.

Treatment of Articles manufactured by Japanese Subjects in China. Inland Transit and Internal Taxes.

All articles manufactured by Japanese subjects in China shall, in respect of inland transit and internal taxes, duties, charges, and exactions of all kinds, and also in respect of warehousing and storage facilities in the interior of China, stand upon the same footing and enjoy the same privileges and exemptions as merchandise imported by Japanese subjects into China.

In the event additional Rules and Regulations are necessary in connection with these concessions, they shall be embodied in the Treaty of Commerce and Navigation provided for by this Article.

ARTICLE VII.

Japanese Evacuation of Chinese Territory.

Subject to the provisions of the next succeeding Article, the evacuation of China by the armies of Japan shall be completely effected within three months after the exchange of the ratifications of the present Act.

ARTICLE VIII.*

Temporary Occupation of Weihaiwei by Japanese Troops.

As a guarantee of the faithful performance of the stipulations of this Act, China consents to the temporary occupation by the military forces of Japan of Weihaiwei, in the Province of Shantung.

* See also separate Article I. Page 368.

Assignment of Customs Revenue of China as Security for payment of Indemnity.

Upon the payment of the first two instalments of the war indemnity herein stipulated for and the exchange of the ratifications of the Treaty of Commerce and Navigation, the said place shall be evacuated by the Japanese forces, provided the Chinese Government consents to pledge, under suitable and sufficient arrangements, the Customs Revenue of China as security for the payment of the principal and interest of the remaining instalments of said indemnity. In the event of no such arrangements being concluded, such evacuation shall only take place upon the payment of the final instalment of said indemnity.

It is, however, expressly understood that no such evacuation shall take place until after the exchange of the ratifications of the Treaty of Commerce and Navigation.

ARTICLE IX.

Prisoners of War. Amnesty.

Immediately upon the exchange of the ratifications of this Act, all prisoners of war then held shall be restored, and China undertakes not to ill-treat or punish prisoners of war so restored to her by Japan. China also engages to at once release all Japanese subjects accused of being military spies or charged with any other military offences. China further engages not to punish in any manner, nor to allow to be punished, those Chinese subjects who have in any manner been compromised in their relations with the Japanese army during the war.

ARTICLE X.

Cessation of Military operations on exchange of Ratifications.

All offensive military operations shall cease upon the exchange of the ratifications of this Act.

ARTICLE XI.

Ratifications.

The present Act shall be ratified by their Majesties the Emperor of Japan and the Emperor of China, and the ratifications shall be exchanged at Chefoo on the 8th day of the 5th month of the 28th year of Meiji, corresponding to 14th day of the 4th month of the 21st year of Kuang Hsü (May 8, 1895).

In witness whereof, the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 17th day of the 4th

month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsü (April 17, 1895).

(L.S.) Count ITO HIROBUMI, *Junii, Grand Cross of the Imperial Order of Paullownia, Minister-President of State, Plenipotentiary of His Majesty the Emperor of Japan.*

(L.S.) Viscount MUTSU MUNEMITSU, *Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs, Plenipotentiary of His Majesty the Emperor of Japan.*

(L.S.) LI HUNG-CHANG, *Plenipotentiary of His Majesty the Emperor of China, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister-Superintendent of Trade for the Northern Ports of China, Viceroy of the Province of Chihli, and Earl of the First Rank.*

(L.S.) LI CHING-FONG, *Plenipotentiary of His Majesty the Emperor of China, Ex-Minister of the Diplomatic Service, of the Second Official Rank.*

Separate Articles

ARTICLE I.

Temporary occupation of Weihaiwei by Japanese.

The Japanese military forces which are, under Article VIII of the Treaty of Peace signed this day, to temporarily occupy Weihaiwei shall not exceed one brigade, and from the date of the exchange of the ratifications of the said Treaty of Peace, China shall pay annually one-fourth of the amount of the expenses of such temporary occupation, that is to say, at the rate of 500,000 Kuping taels per annum.

ARTICLE II.

Liu-Kung and belt of Land to be included in Japanese occupation.

The territory temporarily occupied at Weihaiwei shall comprise the Island of Liu-Kung and a belt of land 5 Japanese *ri* wide along the entire coast-line of the Bay of Weihaiwei.

Chinese Troops not to approach within a certain specified distance.

No Chinese troops shall be permitted to approach or occupy any places within a zone of 5 Japanese *ri* wide beyond the boundaries of the occupied territory.

ARTICLE III.

Civil administration to remain in hands of the Chinese.

The civil administration of the occupied territory shall remain in the hands of the Chinese authorities. But such authorities shall at all times be obliged to conform to the orders which the commander of the Japanese army of occupation may deem it necessary to give in the interest of the health, maintenance, safety, distribution, or discipline of the troops.

Military offences to be within Japanese Jurisdiction.

All military offences committed within the occupied territory shall be subject to the jurisdiction of the Japanese military authorities.

The foregoing separate Articles shall have the same force, value, and effect as if they had been word for word inserted in the Treaty of Peace signed this day.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Shimonoseki, in duplicate, this 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsü. (April 17, 1895.)

[Here follow the same signatures.]

JAPANESE PROCLAMATION, May 10, 1895.

*Ceded Districts of the Fêng-Tien Peninsula, not to be held permanently.**

(Translation.)

WE recently, at the request of the Emperor of China, appointed Plenipotentiaries for the purpose of conferring with the Ambassadors sent by China and of concluding with them a Treaty of Peace between the two Empires. Since then the Governments of the two Empires of Russia and Germany and of the French Republic, considering that the permanent possession of the ceded districts of the Fêng-Tien Peninsula by the Empire of Japan would be detrimental to the lasting peace of the Orient, have united in a simultaneous recommendation to our Government to refrain from holding these districts permanently.

Earnestly desirous as we always are for the maintenance of peace, nevertheless we were forced to commence hostilities against China for no other reason than our sincere desire to secure for the Orient an enduring peace. The Governments of the three Powers

* Retroceded to China by Convention of 8th November, 1895 (**No. 63**). See Treaty of Peace between Japan and Russia of 5th September, 1905 (**No. 115**), Article V.

are, in offering their friendly recommendation, similarly actuated by the same desire, and we, out of our regard for peace, do not hesitate to accept their advice. Moreover, it is not our wish to cause suffering to our people, or to impede the progress of the national destiny by embroiling the Empire in new complications, and thereby imperilling the situation and retarding the restoration of peace.

China has already shown, by the conclusion of the Treaty of Peace, the sincerity of her repentance for her breach of faith with us, and has made manifest to the world our reasons and the object we had in view in waging war with that Empire.

Under these circumstances we do not consider that the honour and dignity of the Empire will be compromised by resorting to magnanimous measures, and by taking into consideration the general situation of affairs.

We have therefore accepted the advice of the friendly Powers, and have commanded our Government to reply to the Governments of the three Powers to that effect.

We have specially commanded our Government to negociate with the Chinese Government respecting all arrangements for the return of the peninsular districts. The exchange of the ratifications of the Treaty of Peace has now been concluded, the friendly relations between the two Empires have been restored, and cordial relations with all other Powers have been strengthened.

We therefore command all our subjects to respect our will, to take into careful consideration the general situation, to be circumspect in all things, to avoid erroneous tendencies, and not to impair or thwart the high aspirations of our Empire.

(Imperial sign-manual.)

(Countersigned by all the Ministers of State.)

May 10, 1895.

(No. 63.) *CONVENTION between China and Japan for the Retrocession of Liao-Tung (Fêng-Tien Peninsula). Signed at Peking, 8th November,* 1895.*

[Signed also in Japanese and Chinese.]

[Ratifications exchanged at Peking, November 29, 1905.]

His Majesty the Emperor of Japan, and His Majesty the Emperor of China, desiring to conclude a Convention for the retrocession by Japan of all the southern portion of the province of Fêng-Tien to the sovereignty of China, have for that purpose named as their plenipotentiaries, that is to say:—

His Majesty the Emperor of Japan, Baron Hayashi Tadasu,

* See Treaty of Peace between Japan and Russia of 5th September, 1905 (**No. 115**), Article V.

Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary; and His Majesty the Emperor of China, Li Hung-Chang, Minister Plenipotentiary, Senior Tutor of the Heir Apparent, Senior Grand Secretary of State, and Earl of the First Rank;

Who, after having communicated to each other their full powers, which were found to be in good and proper form, have agreed upon the following Articles:—

ARTICLE I.

Retrocession to China of Southern Portion of Fêng-Tien.

Japan retrocedes to China, in perpetuity and full sovereignty, the southern portion of the province of Fêng-Tien, which was ceded to Japan under Article II of the Treaty of Shimonoseki of the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsü [April 17, 1895, **No. 62**], together with all fortifications, arsenals, and public property thereon at the time the retroceded territory is completely evacuated by the Japanese forces in accordance with the provisions of Article III of this Convention, that is to say, the southern portion of the province of Fêng-Tien from the mouth of the River Yalu to the mouth of the River Anping, thence to Feng Huang Ch'êng, thence to Hai-chêng, and thence to Yinkou; also all cities and towns to the south of this boundary, and all islands appertaining or belonging to the province of Fêng-Tien, situated in the eastern portion of the Bay of Liao-Tung, and in the northern part of the Yellow Sea. Article III of the said Treaty of Shimonoseki is in consequence suppressed, as are also the provisions in the same Treaty with reference to the conclusion of a Convention to regulate frontier intercourse and trade.

ARTICLE II.

Compensation to Japan for Retrocession of Southern Portion of Fêng-Tien.

As compensation for the retrocession of the southern portion of the province of Fêng-Tien, the Chinese Government engage to pay to the Japanese Government 30,000,000 Kuping taels on or before the 16th day of the 11th month of the 28th year of Meiji, corresponding to the 30th day of the 9th month of the 21st year of Kuang Hsü (November 16, 1895.)

ARTICLE III.

Indemnity.

Within three months from the day on which China shall have paid to Japan the compensatory indemnity of 30,000,000 kuping

taels provided for in Article II of this Convention, the retroceded territory shall be completely evacuated by the Japanese forces.

ARTICLE IV.

Amnesty.

China engages not to punish, in any manner, nor to allow to be punished, those Chinese subjects who have in any manner been compromised in connection with the occupation by the Japanese forces of the retroceded territory.

ARTICLE V.

English Text to be Authoritative.

The present Convention is signed in duplicate in the Japanese, Chinese, and English languages. All these texts have the same meaning and intention, but, in case of any differences of interpretation between the Japanese and Chinese texts, such differences shall be decided by reference to the English text.

ARTICLE VI.

Ratifications.

The present Convention shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China, and the ratifications thereof shall be exchanged at Peking within 21 days from the present date. (See Protocol annexed.)

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Peking this 8th day of the 11th month of the 28th year of Meiji, corresponding to the 22nd day of the 9th month of the 21st year of Kuang Hsü (November 8, 1895).

[Here follow the signatures and seals in Japanese and Chinese.]

PROTOCOL.

Ratifications.

In view of the insufficiency of time to effect a formal exchange of the ratifications of the Convention between Japan and China, signed this day, respecting the retrocession of the peninsula of Fêng-Tien, before the date named in the said Convention for certain stipulations thereof to take effect, the Government of His Majesty the Emperor of Japan and the Government of His Majesty the Emperor of China, in order to prevent the possibility of delay in putting into execution the several provisions of the said Convention, have, through their respective Plenipotentiaries, agreed upon the following stipulation :—

The Governments of Japan and China shall, within the period

of five days after the date of this Protocol, announce to each other through the undersigned, their respective Plenipotentiaries, that the said Convention has received the approval of His Majesty the Emperor of Japan and His Majesty the Emperor of China, respectively, and thereupon the said Convention, in all its parts, shall come into operation as fully and effectually as if the ratifications thereof had actually been exchanged.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Peking this 8th day of the 11th month of the 28th year of Meiji, corresponding to the 22nd day of the 9th month of the 21st year of Kuang Hsü (November 8, 1895).

[Here follow signatures and seals in Japanese and Chinese.]

(No. 64.) *TREATY of Commerce and Navigation between China and Japan. Signed at Peking, 21st July,* 1896.

[Signed also in Chinese and Japanese.]

[Ratifications exchanged at Peking, October 20, 1896.]

His Majesty the Emperor of Japan and His Majesty the Emperor of China, having resolved, in pursuance of the provisions of Article VI of the Treaty signed at Shimonoseki (**No. 62**) on the 17th day of the 4th month of the 28th year of Meiji, corresponding to the 23rd day of the 3rd month of the 21st year of Kuang Hsü, to conclude a Treaty of Commerce and Navigation, have for that purpose named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Baron Hayashi Tadasu, Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary;

And His Majesty the Emperor of China, Chang Yen Hoon, Minister Plenipotentiary, Minister of the Tsung-li Yamên, holding the rank of the President of a Board, and Senior Vice-President of the Board of Revenue;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

There shall be perpetual peace and friendship between His Majesty the Emperor of Japan and His Majesty the Emperor of

China, and between their respective subjects, who shall enjoy equally in the respective countries of the High Contracting Parties full and entire protection for their persons and property.

ARTICLE II.

Appointment of Diplomatic Agents. Their Rights and Privileges.

It is agreed by the High Contracting Parties that His Majesty the Emperor of Japan may, if he see fit, accredit a Diplomatic Agent to the Court of Peking, and His Majesty the Emperor of China may, if he see fit, accredit a Diplomatic Agent to the Court of Tôkiô.

The Diplomatic Agents thus accredited shall respectively enjoy all the prerogatives, privileges, and immunities accorded by international law to such Agents, and they shall also in all respects be entitled to the treatment extended to similar Agents of the most-favoured-nation.

Their persons, families, suites, establishments, residences, and correspondence shall be held inviolable. They shall be at liberty to select and appoint their own officers, couriers, interpreters, servants, and attendants, without any kind of molestation.

ARTICLE III.

Appointment of Consuls. Their Rights and Privileges.

His Majesty the Emperor of Japan may appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents to reside at such of the ports, cities, and towns of China which are now or may hereafter be opened to foreign residence and trade as the interests of the Empire of Japan may require.

These officers shall be treated with due respect by the Chinese authorities, and they shall enjoy all the attributes, authority, jurisdiction, privileges, and immunities which are or may hereafter be extended to similar officers of the nation most favoured in these respects.

His Majesty the Emperor of China may likewise appoint Consuls-General, Consuls, Vice-Consuls, and Consular Agents to reside at any or all of those places in Japan where Consular officers of other nations are now or may hereafter be admitted, and, saving in the matter of jurisdiction in respect of Chinese subjects and property in Japan, which is reserved to the Japanese Judicial Courts, they shall enjoy the rights and privileges that are usually accorded to such officers.

ARTICLE IV.

Right of Japanese Subjects to reside and trade at open Ports, &c. Rent or Purchase of Land for building Houses, Churches, Cemeteries, and Hospitals.

Japanese subjects may, with their families, employés, and servants, frequent, reside, and carry on trade, industries, and manufactures, or pursue any other lawful avocations in all the ports,

cities, and towns of China which are now or may hereafter be opened to foreign residence and trade. They are at liberty to proceed to or from any of the open ports with their merchandise and effects, and within the localities at those places which have already been or may hereafter be set apart for the use and occupation of foreigners, they are allowed to rent or purchase houses, rent or lease land, and to build churches, cemeteries, and hospitals, enjoying in all respects the same privileges and immunities as are now or may hereafter be granted to the subjects or citizens of the most-favoured-nation.

ARTICLE V.

Ports of Call.

Japanese vessels may touch, for the purpose of landing and shipping passengers and merchandise in accordance with the existing rules and regulations concerning foreign trade there, at all those places in China which are now ports of call, namely, Ngan-ching,* Ta-tung, Hu-kow, Wu-sueh, Lu-chi-kow, and Woosung, and such other places as may hereafter be made ports of call also.

Confiscation of Vessels trading with other than open Ports and Ports of Call.

If any vessel should unlawfully enter ports other than open ports and ports of call in China, or carry on clandestine trade along the coast or rivers, the vessel with her cargo shall be subject to confiscation by the Chinese Government.

ARTICLE VI.

Passports.

Japanese subjects may travel, for their pleasure or for purposes of trade, to all parts of the interior of China, under passports issued by Japanese Consuls and countersigned by the local authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passports be not irregular, the bearers will be allowed to proceed, and no opposition shall be offered to their hiring of persons, animals, carts, or vessels, for their own conveyance or for the carriage of their personal effects or merchandise. If they be without passports, or if they commit any offence against the law, they shall be handed over to the nearest Consul for punishment, but they shall only be subject to necessary restraint, and in no case to ill-usage. Such passports shall remain in force for a period of thirteen Chinese months from the date of issue. Any Japanese subject travelling in the interior without a passport shall be liable to a fine not exceeding 300 taëls. Japanese subjects may, however, without passports go on excursions from any of the ports open to trade, to a distance not exceeding 100 Chinese li, and for a period not exceeding five days. The provisions of this Article do not apply to crews of ships.

* Anking.

ARTICLE VII.

Employment of Chinese Subjects by Japanese.

Japanese subjects residing in the open ports of China may take into their service Chinese subjects, and employ them in any lawful capacity without restraint or hindrance from the Chinese Government or authorities.

ARTICLE VIII.

Hire of Boats by Japanese Subjects. No Monopoly. Smuggling.

Japanese subjects may hire whatever boats they please for the conveyance of cargo or passengers, and the sum to be paid for such boats shall be settled between the parties themselves, without the interference of the Chinese Government or officers. No limit shall be put upon the number of boats, neither shall a monopoly in respect either of the boats or of the porters or coolies engaged in carrying goods be granted to any parties. If any smuggling takes place in them the offenders will of course be punished according to law.

ARTICLE IX.

Application of Tariff and Tariff Rules to Japanese Subjects. Most-favoured-nation Treatment.

The Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan. It is clearly understood that all articles the importation or exportation of which is not expressly limited or prohibited by the Tariffs and Tariff Rules existing between China and the Western Powers may be freely imported into and exported from China, subject only to the payment of the stipulated import or export duties. But in no case shall Japanese subjects be called upon to pay in China other or higher import or export duties than are or may be paid by the subjects or citizens of the most-favoured-nation ; nor shall any article imported into China from Japan, or exported from China to Japan, be charged upon such importation or exportation other or higher duties than are now or may hereafter be imposed in China on the like article when imported from or exported to the nation most favoured in those respects.

ARTICLE X.

Exemption of Imported Articles in transitu *from Duties, &c.*

All articles duly imported into China by Japanese subjects or from Japan shall, while being transported, subject to the existing Regulations, from one open port to another, be wholly exempt from all taxes, imposts, duties, *li-kin*, charges and exactions of every nature and kind whatsoever, irrespective of the nationality of the owner or possessor of the articles, or the nationality of the conveyance or vessel in which the transportation is made.

ARTICLE XI.

Transit Duties on Articles for Inland Markets.

It shall be at the option of any Japanese subject desiring to convey duly imported articles to an inland market, to clear his goods of all transit duties by payment of a commutation transit tax or duty, equal to one-half of the import duty in respect of dutiable articles, and 2½ per cent. upon the value in respect of duty-free articles; and on payment thereof a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever.

Imported Opium Excepted.

It is understood that this Article does not apply to imported opium.

ARTICLE XII.

Transit and Export Duties on Chinese Goods purchased in China elsewhere than at an open Port.

All Chinese goods and produce purchased by Japanese subjects in China elsewhere than at an open port thereof, and intended for export abroad, shall in every part of China be freed from all taxes, imposts, duties, *li-kin*, charges and exactions of every nature and kind whatsoever, saving only export duties when exported, upon the payment of a commutation transit tax or duty calculated at the rate mentioned in the last preceding Article, substituting export duty for import duty, provided such goods and produce are actually exported to a foreign country within the period of twelve months from the date of the payment of the transit tax;

Duties on Chinese Goods purchased at open Ports.

All Chinese goods and produce purchased by Japanese subjects at the open ports of China, and of which export to foreign countries is not prohibited, shall be exempt from all internal taxes, imposts, duties, *li-kin*, charges and exactions of every nature and kind whatsoever, saving only export duties upon exportation.

Transport of Articles from open Port to open Port.

And all articles purchased by Japanese subjects in any part of China may also, for the purposes of export abroad, be transported from open port to open port, subject to the existing Rules and Regulations.

ARTICLE XIII.

Re-exportation of Foreign Goods. Drawback Certificates.

Merchandise of a *bonâ fide* foreign origin, in respect of which full import duty shall have been paid, may at any time within three years from the date of importation be re-exported from China by Japanese subjects to any foreign country without the payment of

any export duty, and the re-exporter shall, in addition, be entitled forthwith to receive from the Chinese Customs drawback certificates for the amount of import duty paid thereon, provided that the merchandise remains intact and unchanged in its original packages. Such drawback certificates shall be immediately redeemable in ready money by the Chinese Customs authorities at the option of the holders thereof.

ARTICLE XIV.

Bonded Warehouses.

The Chinese Government consents to the establishment of bonded warehouses at the several open ports of China. Regulations on the subject shall be made hereafter.

ARTICLE XV.

Tonnage Dues. Most-favoured-nation Treatment.

Japanese merchant-vessels of more than 150 tons burden, entering the open ports of China, shall be charged tonnage dues at the rate of 4 mace per registered ton; if of 150 tons and under, they shall be charged at the rate of one mace per registered ton. But any such vessel taking its departure within forty-eight hours after arrival, without breaking bulk, shall be exempt from the payment of tonnage dues.

Japanese vessels having paid the above specified tonnage dues shall thereafter be exempt from all tonnage dues in all the open ports and ports of call of China, for the period of four months from the date of clearance from the port where the payment of such tonnage dues is made. Japanese vessels shall not, however, be required to pay tonnage dues for the period during which they are actually undergoing repairs in China.

No tonnage dues shall be payable on small vessels and boats employed by Japanese subjects in the conveyance of passengers, baggage, letters, or duty free articles between any of the open ports of China. All small vessels and cargo boats conveying merchandise which is, at the time of such conveyance, subject to duty, shall pay tonnage dues once in four months at the rate of one mace per ton.

No fee or charges other than tonnage dues shall be levied upon Japanese vessels and boats, and it is also understood that such vessels and boats shall not be required to pay other or higher tonnage dues than the vessels and boats of the most favoured nation.

ARTICLE XVI.

Pilots.

Any Japanese merchant-vessel arriving at an open port of China shall be at liberty to engage the services of a pilot to take

her into port. In like manner, after she has discharged all legal dues and duties, and is ready to take her departure, she shall be allowed to employ a pilot to take her out of port.

ARTICLE XVII.

Wrecks, &c.

Japanese merchant-vessels compelled on account of injury sustained, or any other cause, to seek a place of refuge, shall be permitted to enter any nearest port of China, without being subject to the payment of tonnage dues or duties upon goods landed, in order that repairs to the vessel may be effected, provided the goods so landed remain under the supervision of the Customs authorities. Should any such vessel be stranded or wrecked on the coast of China, the Chinese authorities shall immediately adopt measures for rescuing the passengers and crew, and for securing the vessel and cargo. The persons thus saved shall receive friendly treatment, and, if necessary, shall be furnished with means of conveyance to the nearest Consular station. Should any Chinese merchant-vessel be compelled on account of injury sustained or any other cause to seek a place of refuge in the nearest port of Japan, she shall likewise be treated in the same way by the Japanese authorities.

ARTICLE XVIII.

Prevention of Smuggling.

The Chinese authorities at the several open ports shall adopt such means as they may judge most proper to prevent the revenue suffering from fraud or smuggling.

ARTICLE XIX.

Piracy.

If any Japanese vessel be plundered by Chinese robbers or pirates, it shall be the duty of the Chinese authorities to use every endeavour to capture and punish the said robbers or pirates, and to recover and restore the stolen property.

ARTICLE XX.

Japanese Jurisdiction over Persons and Property of Japanese Subjects.

Jurisdiction over the persons and property of Japanese subjects in China is reserved exclusively to the duly authorized Japanese authorities, who shall hear and determine all cases brought against Japanese subjects or property by Japanese subjects or by the subjects or citizens of any other Power, without the intervention of the Chinese authorities.

ARTICLE XXI.

Jurisdiction in Civil Cases.

If the Chinese authorities or a Chinese subject make any charge or complaint of a civil nature against Japanese subjects or in respect of Japanese property in China, the case shall be heard and decided by the Japanese authorities.

In like manner all charges and complaints of a civil nature brought by Japanese authorities or subjects in China against Chinese subjects or in respect of Chinese property shall be heard and determined by the Chinese authorities.

ARTICLE XXII.

Jurisdiction in Criminal Cases.

Japanese subjects charged with the commission of any crimes or offences in China shall be tried, and, if found guilty, punished by the Japanese authorities according to the laws of Japan.

In like manner Chinese subjects charged with the commission of any crimes or offences against Japanese subjects in China shall be tried and, if found guilty, punished by the Chinese authorities according to the laws of China.

ARTICLE XXIII.

Japanese and Chinese fraudulent Debtors.

Should any Chinese subject fail to discharge debts incurred to a Japanese subject or should he fraudulently abscond, the Chinese authorities will do their utmost to effect his arrest and enforce recovery of the debts. The Japanese authorities will likewise do their utmost to bring to justice any Japanese subject who fraudulently absconds or fails to discharge debts incurred by him to a Chinese subject.

ARTICLE XXIV.

Surrender of Japanese and Chinese Fugitive Offenders.

If Japanese subjects in China who have committed offences or have failed to discharge debts and fraudulently abscond should flee to the interior of China or take refuge in houses occupied by Chinese subjects or on board of Chinese ships, the Chinese authorities shall, at the request of the Japanese Consul, deliver them to the Japanese authorities.

In like manner if Chinese subjects in China who have committed offences or have failed to discharge debts and fraudulently abscond should take refuge in houses occupied by Japanese subjects in China or on board of Japanese ships in Chinese waters, they shall be delivered up, at the request of the Chinese authorities made to the Japanese authorities.

ARTICLE XXV.

Confirmation of Existing Treaties. Most-favoured-nation Treatment.

The Japanese Government and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by the Treaty stipulations between Japan and China which are now in force; and it is hereby expressly stipulated that the Japanese Government and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been or may be hereafter granted by His Majesty the Emperor of China to the Government or subjects of any other nation.

ARTICLE XXVI.

Duration and Revision of Treaty and Tariff.

It is agreed that either of the high Contracting Parties may demand a revision of the Tariffs and of the Commercial Articles of this Treaty at the end of ten years from the date of the exchange of the ratifications; but if no such demand be made on either side, and no such revision be effected within six months after the end of the first ten years, then the Treaty and Tariffs, in their present form, shall remain in force for ten years more, reckoned from the end of the preceding ten years, and so it shall be at the end of each successive period of ten years.

ARTICLE XXVII.

Rules and Regulations.

The High Contracting Parties will agree upon Rules and Regulations necessary to give full effect to this Treaty. Until such Rules and Regulations are brought into actual operation, the Arrangements, Rules, and Regulations subsisting between China and the Western Powers, so far as they are applicable and not inconsistent with the provisions of this Treaty, shall be binding between the Contracting Parties.

ARTICLE XXVIII.

English Text of Treaty to be Authoritative.

The present Treaty is signed in the Japanese, Chinese, and English languages. In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed upon that, in case of any divergence in the interpretation between the Japanese and Chinese Texts of the Treaty, the difference shall be settled by reference to the English text.

ARTICLE XXIX.

Ratifications.

The present Treaty shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China, and the ratifica-

tions thereof shall be exchanged at Peking as soon as possible, and not later than three months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Peking, this 21st day of the 7th month of the 29th year of Meiji, corresponding to the 11th day of the 6th month of the 22nd year of Kuang Hsü.

(L.S.) HAYASHI TADASU, *Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary.*

(L.S.) CHANG YEN HOON, *Minister Plenipotentiary, Minister of the Tsung-li Yamên, holding the rank of the President of a Board, and Senior Vice-President of the Board of Revenue.*

(No. 65) *PROTOCOL between China and Japan respecting Japanese Settlements and other matters. Signed at Peking, 19th October*, 1896.

[Signed in Chinese and Japanese.]

PROTOCOL.

(Translation.)

Baron Hayashi Tadasu, Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Envoy Extraordinary and Minister Plenipotentiary for Japan; and the Prince and Ministers charged with Foreign Affairs of the Empire of China;

Have agreed upon and concluded the following four Articles:—

Art. 1. It is agreed that Settlements to be possessed exclusively by Japan shall be established at the towns and ports newly opened to trade. The management of roads and local police authority shall be vested solely in the Japanese Consuls.

Art. 2. Matters relating to steamboats* and chartered or owned vessels referred to in the provisional Regulations for the trade conducted by foreign merchants between Soochow, Hang-chow and Shanghai, issued by the Shanghai Customs on the 3rd day of the 8th month of the 22nd year of Kuang Hsü† shall be settled conjointly with Japan, and until such settlement is conjointly arrived at the Yang-tsze Regulations shall be enforced so far as they are applicable.

Art. 3. The Japanese Government will consent to the imposition by the Chinese Government of such tax as may be deemed

* Tug-boats. † September 9, 1896.

expedient upon articles manufactured by Japanese subjects in China, but such tax shall not be different from, or exceed, the amount payable by Chinese subjects.

Upon the request of the Japanese Government the Chinese Government will promptly give their consent to the establishment of Settlements possessed exclusively by Japan at Shanghai, Tientsin, Amoy and Hankow.

Art. 4. Telegraphic instructions will be sent to the Governor of Shantung to the effect that, in accordance with treaty stipulations, no Chinese troops shall be permitted to approach or occupy any ground within a distance of 5 Japanese *ri*, that is, about 40 Chinese *li*, from the boundaries of the territory occupied by the Japanese troops.

In witness whereof a Japanese and a Chinese version of the above have been prepared, each in duplicate, and having been compared together have been signed and sealed, each party retaining one copy of each version.

The 19th day of the 10th month of the 29th year of Meiji.

HAYASHI TADASU.

The 13th day of the 9th month of the 22nd year of Kuang Hsü.

CHANG YEN HOON.

(**No. 66.**) *SUPPLEMENTARY TREATY of Commerce and Navigation between China and Japan. Signed at Shanghai, 8th October,* 1903.

[Signed also in Japanese and Chinese.]

[Ratifications exchanged January 11, 1904.]

His Majesty the Emperor of Japan, and His Majesty the Emperor of China, in order to give full effect to the provisions of Article XI of the Final Protocol signed at Peking on the 7th day of the 9th month of the 34th year of Meiji, corresponding to the 25th day of the 7th moon of the 27th year of Kuang-hsü,* have resolved to conclude a Supplementary Treaty of Commerce and Navigation, designed to facilitate and promote the commercial relations between Japan and China, and have for that purpose named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Hioki Eki, Jugoi, Fifth Class of the Imperial Order of the Rising Sun, First Secretary of Legation, and Odagiri Masnoske, Shorokui, Fifth Class of the Imperial Order of the Rising Sun, Consul-General;

And His Majesty the Emperor of China, Lü Hai-huan, President of the Board of Public Works, Shêng Hsüan-huai, Junior Guardian of the Heir Apparent, formerly Senior Vice-President of the Board

* 7th September, 1901 (**No. 26**).

of Public Works, and Wu T'ing-fang, Senior Vice-President of the Board of Commerce ;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Surtax in lieu of Li-kin.

Whereas China, with the object of reforming its fiscal system, proposes to levy a surtax in excess of the tariff rates on all goods passing through the custom-houses, whether maritime or inland and frontier, in order to compensate in a measure for the loss incurred by the complete abolition of *li-kin*, Japan consents to pay the same surtax as is agreed upon between China and all the Treaty Powers.

Production Tax, Consumption Tax, and Excise. Native Opium and Salt.

With regard to the production tax, consumption tax and excise, and the taxes on native opium and salt, leviable by China, Japan also consents to accept the same arrangements as are agreed upon between all the Treaty Powers and China.

Reservation.

It is understood, however, that the commerce, rights and privileges of Japan shall not, on account of the above, be placed at any disadvantage as compared with the commerce, rights and privileges of other powers.

ARTICLE II.

Appliances for hauling through Yang-tsze Kiang Rapids.

The Chinese Government agree to permit Japanese steamship owners to erect, at their own expense, appliances for hauling through the rapids of that part of the Yang-tsze-kiang between Ichang and Chungking. But as the interests of the population of the Provinces of Szechuan, Hunan and Hupeh are involved, it is therefore necessary that the approval of the Imperial Maritime Customs be obtained before such appliances may be so erected.

These appliances, which shall be at the disposal of the vessels, both steamers and junks, shall not obstruct the water-way nor interfere with the free passage of junks or of persons on the banks of the river. Such appliances shall be subject to special regulations to be drawn up by the Imperial Maritime Customs.

ARTICLE III.*

Inland Steam Navigation.

The Chinese Government agree that any Japanese steamer capable of navigating the inland water-ways, upon reporting at the

* See Annexes 2 and 3. Pages 388 and 389.

Imperial Maritime Customs, may proceed for the purpose of trade from a Treaty Port to places inland, so reported, on complying with the original and Supplementary Regulations for Steam Navigation Inland.

ARTICLE IV.

Partnerships and Companies.

In case Chinese subjects conjointly with Japanese subjects organize a partnership or company for a legitimate purpose, they shall equitably share the profits and losses with all the members according to the terms of the Agreement or Memorandum and Articles of Association and the Regulations framed thereunder, and they shall be liable to the fulfilment of the obligations imposed by the said Agreement or Memorandum and Articles of Association and the Regulations framed thereunder as accepted by them and as interpreted by Japanese Courts. Should they fail to fulfil the obligations so imposed and legal action be taken against them in consequence, Chinese Courts shall at once enforce fulfilment of such obligations.

It is understood that in case Japanese subjects conjointly with Chinese subjects organize a partnership or company, they shall also equitably share the profits and losses with all the members according to the terms of the Agreement or Memorandum and Articles of Association and the Regulations framed thereunder. Should such Japanese subjects fail to fulfil any of the obligations imposed by the said Agreement or Memorandum and Articles of Association or by the Regulations framed thereunder, Japanese Courts shall in like manner at once enforce fulfilment of such obligations by them.

ARTICLE V.

Trade Marks and Copyright.

The Chinese Government agree to make and faithfully enforce such regulations as are necessary for preventing Chinese subjects from infringing registered trade-marks held by Japanese subjects.

The Chinese Government likewise agree to make such regulations as are necessary for affording protection to registered copyrights held by Japanese subjects in the books, pamphlets, maps, and charts written in the Chinese language and specially prepared for the use of Chinese people.

It is further agreed that the Chinese Government shall establish registration offices where foreign trade-marks and copyrights, upon application for the protection of the Chinese Government, shall be registered in accordance with the provisions of the regulations to be hereafter framed by the Chinese Government for the purpose of protecting trade-marks and copyrights.

It is understood that Chinese trade-marks and copyrights, properly registered according to the provisions of the laws and

regulations of Japan, will receive similar protection against infringement in Japan.

This Article shall not be held to protect against due process of law any Japanese or Chinese subject who may be the author, proprietor, or seller of any publication calculated to injure the well-being of China.

ARTICLE VI.

Coinage and Currency

China agrees to establish itself, as soon as possible, a system of uniform national coinage and provide for a uniform national currency which shall be freely used as legal tender in payment of all duties, taxes, and other obligations by Japanese subjects as well as by Chinese subjects in the Chinese Empire. It is understood, however, that all customs duties shall continue to be calculated and paid on the basis of the Haikwan taël.

ARTICLE VII.

Weights and Measures.

As the weights and measures used by the mercantile and other classes for general and commercial purposes in the different provinces of China vary and do not accord with the standards fixed by the Imperial Government Boards, thus resulting in detriment to the trade of Chinese and foreigners, the Governors-General and Governors of all the provinces, after careful inquiry into existing conditions, shall consult together and fix upon uniform standards which, after a Memorial to the Throne for sanction, shall be adopted and used in all transactions by officials and people throughout all the Empire. These standards shall be first used in the places open to foreign trade and gradually extended to inland places. Any differences resulting from divergence between the new weights and measures and those now in vogue shall be equitably settled, whether by way of increase or decrease, according to the amount of such difference.

ARTICLE VIII.

New Rules for Inland Steam Navigation.

The Regulations for Steam Navigation Inland of the 5th moon of the 24th year of Kuang-hsü (**No. 138.**) and the Supplementary Rules of the 7th moon of the same year (**No. 140**) having been found in some respects inconvenient in working, the Chinese Government hereby agree to amend them and to annex such new Rules* to this Treaty.

These Rules shall remain in force until altered by mutual consent.

ARTICLE IX.

Confirmation of Treaty Engagements. Most-favoured-nation Treatment.

The provisions of all Treaties and engagements now subsisting

* Annex 1. Page 388.

between Japan and China, in so far as they are not modified or repealed by this Act, are hereby confirmed; and it is hereby expressly stipulated in addition that the Japanese Government, officers, subjects, commerce, navigation, shipping, industries, and property of all kinds shall be allowed free and full participation in all privileges, immunities, and advantages which have been or may hereafter be granted by His Majesty the Emperor of China or by the Chinese Government or by the provincial or local administrations of China to the Government, officers, subjects, commerce, navigation, shipping, industries, or property of any other nation.

The Japanese Government will do its utmost to secure to Chinese officers and subjects resident in Japan the most favourable treatment compatible with the laws and regulations of the Empire.

ARTICLE X.*

International Quarter in Peking.

The High Contracting Parties hereto agree that, in case of and after the complete withdrawal of the foreign troops stationed in the Province of Chihli and of the Legation guards, a place of international residence and trade in Peking will be forthwith opened by China itself. The detailed regulations relating thereto shall be settled in due time after consultation.

Opening of Ch'angsha to Trade.

The Chinese Government agree to open to foreign trade, within six months from the exchange of the ratifications of this Treaty, Ch'angsha-fu, in the Province of Hunan, on the same footing as the ports already opened to foreign trade. Foreigners residing in this open port are to observe the municipal and police regulations on the same footing as Chinese residents, and they are not to be entitled to establish a municipality and police of their own within the limits of this Treaty Port, except with the consent of the Chinese authorities.

Opening of Mukden and Tatungkow to Trade.

The Chinese Government agree that, upon the exchange of the ratifications of this Treaty, Mukden and Tatungkow, both in the Province of Shengking, will be opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation, and the regulations for these places set apart for foreign residence and trade, shall be agreed upon by the Governments of Japan and China after consultation together.

ARTICLE XI.

Reform of Chinese Judicial System. Extra-territorial Rights.

The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of Japan

* See Annexes 6 and 7. Pages 390 and 391.

and Western nations, Japan agrees to give every assistance to such reform, and will also be prepared to relinquish its extra-territorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant it in so doing.

ARTICLE XII.

English Text of Treaty to be Authoritative.

The present Treaty is signed in the Japanese, Chinese, and English languages. In order, however, to prevent future discussions, the Plenipotentiaries of the High Contracting Parties have agreed that in case of any divergence in the interpretation between the Japanese and Chinese texts of the Treaty, the difference shall be settled by reference to the English text.

ARTICLE XIII.

Ratifications.

The present Treaty shall be ratified by His Majesty the Emperor of Japan and His Majesty the Emperor of China, and the ratifications thereof shall be exchanged at Peking as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Shanghai, this 8th day of the 10th month of the 36th year of Meiji, corresponding to the 18th day of the 8th moon of the 29th year of Kuang-hsü. (October 8, 1903.)

(L.S.) HIOKI EKI.
(L.S.) ODAGIRI MASNOSKE.
[Signature of his Excellency Lü Hai-huan.]
[Signature of his Excellency Shêng Hsüan-huai.]
[Signature of his Excellency Wu T'ing-fang.]

Annex 1.

INLAND WATERS STEAM NAVIGATION.

Additional Rules.

[Similar to Annex C to the British Treaty of 5th September, 1902 (**No. 28**). Page 187.]

Annex 2.

Imperial Japanese Commissioners for Treaty Revision to Imperial Chinese Commissioners for Treaty Revision.

Shanghai, the 8th day of the 10th month of the 36th year of Meiji (October 8, 1903).

GENTLEMEN,

ACCORDING to Article III of the present Treaty the Chinese Government agree that any Japanese steamer capable of navigating the inland water-ways, upon reporting at the Imperial Maritime Customs, may proceed for the purpose of trade from a Treaty Port to places inland, so reported, on complying with the original and Supplementary Regulations for Steam Navigation Inland.

It is understood that all classes of Japanese steamers, whatever their size, provided they are capable of navigating the inland water-ways, may on complying with the Regulations receive an Inland Waters Certificate and carry on trade with inland places, and the Chinese Government will in no case raise difficulties and stop such steamers from plying to and from inland places.

We have the honour, in order to prevent future misunderstandings, to address this despatch to your Excellencies and to request that instructions be sent to the Inspector-General of Maritime Customs to act in accordance with this understanding. We have further the honour to request a reply from your Excellencies.

We have, &c.,
HIOKI EKI.
ODAGIRI MASNOSKE.

Annex 3.

Imperial Chinese Commissioners for Treaty Revision to Imperial Japanese Commissioners for Treaty Revision.

Shanghai, the 18th day of the 8th moon of the 29th year of Kuang-hsu (October 8, 1903).

GENTLEMEN,

WE have the honour to acknowledge the receipt of your Excellencies' despatch of this date, written with a view of preventing future misunderstandings, to the effect that, in accordance with the provisions of Article III of the present Treaty, all classes of Japanese steamers, whatever their size, provided they are capable of navigating the inland water-ways, may, on complying with the regulations, receive an Inland Waters Certificate and ply to and from inland places, and that the Chinese Government will in no case raise difficulties and stop them.

During the negotiations of this Article we received a list from your Excellencies of the Japanese steamers, viz., *Sanyo Maru, Setagawa Maru, Hiuga Maru, Urato Maru, Neisei Maru, Heian Maru, Taiko Maru, Yoshino Maru, Meiko Maru, Fukuju Maru, Hijikawa Maru, Nagata Maru, Kyodo Maru, Horai Maru, Kwanko Maru, Keiko Maru, Kinriu Maru, Zensho Maru,* and *Kohei Maru*, ranging from 121 tons to 410 tons register, plying from Chefoo to inland places in Manchuria, under Inland Waters Certificate and in accordance with the Regulations for Steam Navigation Inland, which vessels have not been prevented from doing so on account of their class.

At that time we instructed the Deputy Inspector-General of Customs to make inquiries into the records of the custom-houses, and he reported that the circumstances were in accordance with your Excellencies' statement.

In consequence of the receipt of your Excellencies' despatch we shall communicate with the Wai-wu Pu, and request that instructions be sent to the Inspector-General of Customs to take these circumstances into consideration and to act accordingly, and we have the honour to write this despatch for purposes of record.

We have, &c.,
(Signature of his Excellency Lü Hai-huan.)
(Signature of his Excellency Shêng Hsüan-huai.)
(Signature of his Excellency Wu T'ing-fang.)

Annex 4.

Imperial Japanese Commissioners for Treaty Revision to Imperial Chinese Commissioners for Treaty Revision.

Shanghai, the 8th day of the 10th month of the 36th year of Meiji (October 8, 1903).

GENTLEMEN,

THE provisions contained in No. 9* of the Supplementary Rules governing steam navigation on inland waters published in the 7th moon of the 24th year of Kuang-hsü, regarding the appointment of an officer to collect dues and duties, not having in all cases been given effect to, we have the honour to request that your Excellencies' Government will again issue instructions to all provinces to give strict effect to this provision, as it is a matter of importance.

We trust that your Excellencies will comply with the request contained in this despatch, and that you will favour us with a reply.

We have, &c.,
HIOKI EKI.
ODAGIRI MASNOSKE.

* No. 140. Page 727.

Annex 5.

Imperial Chinese Commissioners for Treaty Revision to Imperial Japanese Commissioners for Treaty Revision.

Shanghai, the 18th day of the 8th moon of the 29th year of Kuang-hsü (October 8, 1903).

GENTLEMEN,

WE have the honour to acknowledge the receipt of your Excellencies' despatch of this date to the effect that the provision contained in No. 9* of the Supplementary Rules governing steam navigation on inland waters published in the 7th moon of the 24th year of Kuang-hsü, regarding the appointment of an officer to collect dues and duties, not having in all cases been given effect to, you request that instructions be again issued to all provinces to give strict effect to this provision as it is a matter of importance.

We have noted the above and have communicated with proper authorities in order that action may be taken, and have now the honour to write this reply for your Excellencies' information.

We have, &c.,

(Signature of his Excellency Lü Hai-huan.)
(Signature of his Excellency Shêng Hsüan-huai.)
(Signature of his Excellency Wu T'ing-fang.)

Annex 6.

Imperial Chinese Commissioners for Treaty Revision to Imperial Japanese Commissioners for Treaty Revision.

Shanghai, the 18th day of the 8th moon of the 29th year of Kuang-hsü (October 8, 1903).

GENTLEMEN,

ACCORDING to the provision of Article X of this Treaty, regarding the establishment in Peking of a place of international residence and trade, it is agreed that in case of and after the complete withdrawal of the foreign troops now guarding the Legations and communications, a place in Peking outside the Inner City, convenient to both parties and free from objections, shall be selected and set apart as a place where merchants of all nationalities may reside and carry on trade. Within the limits of this place merchants of all nationalities shall be at liberty to lease land, build houses and warehouses, and establish places of business; but as to the leasing of houses and land belonging to Chinese private individuals, there must be willingness on the part of the owners, and the terms thereof must be equitably arranged without any force or compulsion. All roads and bridges in this place will be under the jurisdiction and control of China. Foreigners residing in this place are to observe the municipal and police regulations on the same footing as Chinese residents, and they are not to be entitled to establish a municipality and police of their own within its limits except with the consent of the Chinese authorities. When such place of international residence and trade shall have been opened and its limits properly defined, the foreigners who have been residing scattered both within and without the city walls, shall all be required to remove their residence thereto, and they shall not be allowed to remain in separate places and thereby cause inconvenience in the necessary supervision by the Chinese authorities. The value of the land and buildings held by such foreigners shall be agreed upon equitably, and due compensation therefor shall be paid. The period for such removal shall be determined in due time, and those who do not remove before the expiry of this period shall not be entitled to compensation.

We have considered it to be to our mutual advantage to come to the present basis of understanding in order to avoid future unnecessary negotiations, and we beg that your Excellencies will consider and agree to it, and will favour us with a reply.

We have, &c.,

(Signature of his Excellency Lü Hai-huan.)
(Signature of his Excellency Shêng Hsüan-huai.)
(Signature of his Excellency Wu T'ing-fang.)

* No. 140. Page 727.

Annex 7.

Imperial Japanese Commissioners for Treaty Revision to Imperial Chinese Commissioners for Treaty Revision.

Shanghai, the 8th day of the 10th month of the 36th year of Meiji (October 8, 1903).

GENTLEMEN,

WE have the honour to acknowledge receipt of your Excellencies' despatch of this date in which you state that—

"According to the provision of Article X of this Treaty, regarding the establishment in Peking of a place of international residence and trade, it is agreed that in case of and after the complete withdrawal of the foreign troops, now guarding the Legations and communications, a place in Peking outside the Inner City, convenient to both parties and free from objections, shall be selected and set apart as a place where merchants of all nationalities may reside and carry on trade. Within the limits of this place merchants of all nationalities shall be at liberty to lease land, build houses and warehouses, and establish places of business; but as to the leasing of houses and land belonging to Chinese private individuals there must be willingness on the part of the owners, and the terms thereof must be equitably arranged without any force or compulsion. All roads and bridges in this place will be under the jurisdiction and control of China. Foreigners residing in this place are to observe the municipal and police regulations on the same footing as Chinese residents, and they are not to be entitled to establish a municipality and police of their own within its limits, except with the consent of the Chinese authorities. When such place of international residence and trade shall have been opened and its limits properly defined, the foreigners who have been residing scattered both within and without the city walls, shall all be required to remove their residence thereto, and they shall not be allowed to remain in separate places and thereby cause inconvenience in the necessary supervision by the Chinese authorities. The value of the land and buildings held by such foreigners shall be agreed upon equitably, and due compensation therefor shall be paid. The period for such removal shall be determined in due time, and those who do not remove before the expiry of this period shall not be entitled to compensation.

"We have considered it to be to our mutual advantage to come to the present basis of understanding in order to avoid future unnecessary negotiations, and we beg that your Excellencies will consider and agree to it, and will favour us with a reply."

In reply, we beg to inform you that we agree generally to all the terms contained in the despatch under acknowledgment. As to the detailed regulations, these shall in due time be considered and satisfactorily settled in accordance with Article X of this Treaty; but it is understood that such regulations shall not differ in any respect to our prejudice from those which may be agreed upon between China and other Powers. We have the honour to send your Excellencies this communication in reply and for your information.

We have, &c.,

HIOKI EKI.

ODAGIRI MASNOSKE.

(No. 67.) *TREATY AND ADDITIONAL AGREEMENT between China and Japan respecting Manchuria. Signed at Peking, 22nd December*, 1905.

[Signed in Chinese and Japanese.]

(Official Translation.*)

His Majesty the Emperor of Japan and His Majesty the Emperor of China, desiring to adjust certain matters of common concern growing out of the Treaty of Peace between Japan and Russia of September 5, 1905 (**No. 115**), have resolved to conclude a Treaty

* As published in Tokio, 11th January, 1906.

with that object in view and have for that purpose named Their Plenipotentiaries, that is to say :—

His Majesty the Emperor of Japan :

Baron Komura Jutaro, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, Minister for Foreign Affairs and Special Ambassador of His Majesty, and

Uchida Yasuya, Jushii, Second Class of the Imperial Order of the Rising Sun, His Majesty's Envoy Extraordinary and Minister Plenipotentiary ;

And His Majesty the Emperor of China :

Prince Ching, Presiding Minister for Foreign Affairs, Councillor of State and Plenipotentiary of His Majesty,

Chu Hung-chi, Minister of Foreign Affairs, Councillor of State and Plenipotentiary of His Majesty, and

Yuan Shih-kai, Viceroy of the Province of Chihli, Junior Guardian of the Heir-Apparent, Minister Superintendent of Trade for the Northern Ports and Plenipotentiary of His Majesty :

Who, after having exchanged their full powers which were found to be in good and due form, have agreed upon and concluded the following Articles :—

ARTICLE I.

Consent of China to Transfers, &c., made by Russia to Japan by Treaty of Peace.

The Imperial Chinese Government consent to all the transfers and assignments made by Russia to Japan by Articles V and VI of the Treaty of Peace above mentioned.

ARTICLE II.

Leased Territory and Railway Construction. Japan will conform to original Agreements as far as possible.

The Imperial Japanese Government engage that in regard to the leased territory as well as in the matter of railway construction and exploitation, they will, so far as circumstances permit, conform to the original agreements concluded between China and Russia. In case any question arises in the future on these subjects, the Japanese Government will decide it in consultation with the Chinese Government.

ARTICLE III.

Ratifications.

The present Treaty shall come into full force from the date of signature. It shall be ratified by Their Majesties the Emperor of Japan and the Emperor of China, and the ratifications shall be exchanged at Peking as soon as possible, and not later than two months from the present date.

In witness whereof, the respective Plenipotentiaries have signed

this Treaty in duplicate in the Japanese and Chinese languages and have thereto affixed their seals.

Done at Peking, this 22nd day of the 12th month of the 38th year of Meiji, corresponding to the 26th day of the 11th moon of the 31st year of Kuang Hsü. (December 22, 1905.)

(L.S.) BARON KOMURA JUTARO.
(L.S.) UCHIDA YASUYA.
(L.S.) PRINCE CHING.
(L.S.) CHU HUNG-CHI.
(L.S.) YUAN SHIH-KAI.

ADDITIONAL AGREEMENT.

The Governments of Japan and China, with a view to regulate for their guidance certain questions in which they are both interested in Manchuria, in addition to those provided for in the Treaty signed this day, have agreed as follows :—

ARTICLE I.

*Places to be opened to Trade.**

The Imperial Chinese Government agree that as soon as possible after the evacuation of Manchuria by the Japanese and Russian forces, the following cities and towns in Manchuria will be opened by China herself as places of international residence and trade :—

In the Province of Shingking :—

Fenghwangcheng, Liaoyang, Hsinmintun, Tiehling, Tung-kiang-tzu and Fakumen.

In the Province of Kirin :

Changchun (Kuanchengtzu), Kirin. Harbin, Ninguta, Hunchun and Sanhsing.

In the Province of Heilungking :

Tsitsihar, Hailar, Aihun† and Manchuli.

ARTICLE II.

Withdrawal of Railway Guards.

In view of the earnest desire expressed by the Imperial Chinese Government to have the Japanese and Russian troops and railway guards in Manchuria withdrawn as soon as possible, and in order to meet this desire, the Imperial Japanese Government in the event of Russia agreeing to the withdrawal of her railway guards, or in case other proper measures are agreed to between China and Russia, consent to take similar steps accordingly. When tranquillity shall have been re-established in Manchuria, and China shall have become

* All these places have now been opened to trade. † Aigun.

herself capable of affording full protection to the lives and property of foreigners, Japan will withdraw her railway guards simultaneously with Russia.

ARTICLE III.

Maintenance of Order by Chinese Troops.

The Imperial Japanese Government, immediately upon the withdrawal of their troops from any regions in Manchuria, shall notify the Imperial Chinese Government of the regions thus evacuated, and even within the period stipulated for the withdrawal of troops in the Additional Articles* of the Treaty of Peace between Japan and Russia, the Chinese Government may send necessary troops to the evacuated regions of which they have been already notified as above mentioned, for the purpose of maintaining order and tranquillity in those regions. If, in the regions from which Japanese troops have not yet been withdrawn, any villages are disturbed or damaged by native bandits the Chinese local authorities may also dispatch a suitable military force for the purpose of capturing or dispersing those bandits. Such troops, however, shall not proceed within twenty Chinese li from the boundary of the territory where Japanese troops are stationed.

ARTICLE IV.

Chinese Property to be Restored.

The Imperial Government of Japan engage that Chinese public and private property in Manchuria, which they have occupied or expropriated on account of military necessity, shall be restored at the time the Japanese troops are withdrawn from Manchuria and that such property as is no longer required for military purposes shall be restored even before such withdrawal.

ARTICLE V.

Tombs and Monuments to Japanese Officers and Soldiers.

The Imperial Chinese Government engage to take all necessary measures to protect fully and completely the grounds in Manchuria in which the tombs and monuments of the Japanese officers and soldiers who were killed in war are located.

ARTICLE VI.

Antung-Mukden Railway.

The Imperial Chinese Government agree that Japan has the right to maintain and work the military railway line constructed between Antung and Mukden and to improve the said line so as to make it fit for the conveyance of commercial and industrial goods of all

* See page 613 (No. 115).

nations. The term for which such right is conceded is fifteen years from the date of the completion of the improvements above provided for. The work of such improvements to be completed within two years, exclusive of a period of twelve months during which it will have to be delayed owing to the necessity of using the existing line for the withdrawal of troops. The term of the concession above mentioned is therefore to expire in the 49th year of Kuang Hsü. At the expiration of that term, the said railway shall be sold to China at a price to be determined by appraisement of all its properties by a foreign expert who will be selected by both parties. The conveyance by the railway of the troops and munitions of war of the Chinese Government prior to such sale shall be dealt with in accordance with the regulations of the Eastern Chinese Railway. Regarding the manner in which the improvements of the railway are to be effected, it is agreed that the person undertaking the work on behalf of Japan shall consult with the Commissioner dispatched for the purpose by China. The Chinese Government will also appoint a Commissioner to look after the business relating to the railway as is provided in the Agreement relating to the Eastern Chinese Railway. It is further agreed that detailed regulations shall be concluded regarding the tariffs for the carriage by the railway of the public and private goods of China.

ARTICLE VII.

Separate Convention as to Connections between South Manchurian Railways and other Lines in China.

The Governments of Japan and China, with a view to promote and facilitate intercourse and traffic, will conclude, as soon as possible, a separate Convention for the regulation of connecting services between the railway lines in South Manchuria and all the other railway lines in China.

ARTICLE VIII.

Materials for South Manchurian Railways exempt from Duties, &c.

The Imperial Chinese Government engage that all materials required for the railways in South Manchuria shall be exempt from all duties, taxes and likin.

ARTICLE IX.

Japanese Settlements at Yingkou, Antung and Mukden.

The methods of laying out the Japanese Settlement at Yingkou in the Province of Shingking, which has already been opened to trade, and at Antung and Mukden in the same Province, which are still unopen although stipulated to be opened, shall be separately arranged and determined by officials of Japan and China.

ARTICLE X.

Joint-stock Company for Exploitation of Forests.

The Imperial Chinese Government agree that a joint-stock company of forestry composed of Japanese and Chinese capitalists shall be organized for the exploitation of the forests in the regions on the right bank of the River Yalu and that a detailed agreement shall be concluded in which the area and term of the concession as well as the organization of the company and all regulations concerning the joint work of exploitation shall be provided for. The Japanese and Chinese shareholders shall share equally in the profits of the undertaking.

ARTICLE XI.

Frontier Trade between Manchuria and Corea. Most-favoured-nation Treatment.

The Governments of Japan and China engage that in all that relates to frontier trade between Manchuria and Corea most-favoured-nation treatment shall be reciprocally extended.

ARTICLE XII.

Reciprocal most favourable Treatment.

The Governments of Japan and China engage that in all matters dealt with in the Treaty signed this day or in the present Agreement the most favourable treatment shall be reciprocally extended.

Ratifications.

The present Agreement shall take effect from the date of signature. When the Treaty signed this day is ratified, this Agreement shall also be considered as approved.

In witness whereof, the Undersigned, duly authorized by their respective Governments, have signed the present Agreement in duplicate in the Japanese and Chinese languages and have thereto affixed their seals.

Done at Peking, this 22nd day of the 12th month of the 38th year of Meiji, corresponding to the 26th day of the 11th moon of the 31st year of Kuang Hsü. (December, 22, 1905.)

(L.S.) BARON KOMURA JUTARO.
(L.S.) UCHIDA YASUYA.
(L.S.) PRINCE CHING.
(L.S.) CHU HUNG-CHI.
(L.S.) YUAN SHIH-KAI.

(No. 68.) *AGREEMENT between China and Japan respecting Railways in Manchuria. Signed at Peking, 15th April, 1907.*

(Official Translation.*)

HAYASHI, His Imperial Japanese Majesty's Envoy Extraordinary and Minister Plenipotentiary, and Na, Ch'ü, and Tang, Ministers of the Imperial Chinese Board of Foreign Affairs, being severally appointed by their respective Governments for the purpose, have agreed upon and concluded the following Articles :—

ART. I. The Chinese Government, in purchasing the railway constructed by Japan between Sinmintun and Mukden, shall pay 1,660,000 yen, the price mutually agreed upon, to the Yokohama Specie Bank at Tientsin. The Chinese Government in reconstructing the railway, shall borrow half of funds required in the work east of the Liao from the South Manchurian Railway Company.

ART. II. The Chinese Government in constructing a railway between Kirin and Changchun shall borrow half of the necessary funds from the South Manchurian Railway Company.

ART. III. Terms of the loans mentioned in Articles I and II shall be fixed according to the terms of the loans of the railways in and out Shanhaikwan, except the provisions relating to the date of repayment. Principal terms are as follows : As for the regulations relating to the conduct of general affairs of the railways, the present regulations of the Bureau of Railways in and out Shanhaikwan shall be followed.

(*a*) Term of redemption of the loan shall be 18 years with regard to the loan relating to the Sinmintun-Mukden Railway east of the Liao, and 25 years with regard to the loan relating to the Kirin-Changchun Railway. No repayment shall be made before the above-mentioned dates.

(*b*) The property and receipts of the Sinmintun-Mukden Railway east of the Liao shall be offered as security for the South Manchurian Railway Company's loan relating to that railway. The property and receipts of the Kirin-Changchun Railway shall be offered as security for future contracts by the Kirin Railway Bureau and for the loan from the South Manchurian Railway Company.

During the term of redemption of the loans, the Chinese Government shall maintain in good condition the railway east of the Liao, Kirin-Changchun Railway, the premises, workshops, rolling-stock, land, movables, &c., and endeavour to replenish from time to time the rolling-stock required for maintaining traffic.

If, in the case of future extension of the Kirin-Changchun Rail-

* As published in Tokio.

way or construction of branch lines, there occur a deficit in capital to be paid by the Chinese Government, the latter shall ask the Company for a loan. But in case the Chinese Government constructs other railways on its own account, it has no need to consult the Company.

(*c*) The Chinese Government guarantees the payment of the principal and interest of the loans. When payment does not take place at the date mentioned, the Chinese Government on receiving notification from the Company shall pay the required sum. In the event of the Chinese Government failing after receiving the above notification to pay the principal and interest in arrear, the above railways and the whole of their property shall be handed over to the Company and placed under its control until the said principal and interest shall have been paid. But when the sum in arrears is small, a grace of not more than three months may be allowed. (The Clause in Chinese is identical with a clause in the Contract of the Anglo-Chinese Syndicate.)

(*d*) During the term of the loans, Japanese shall be engaged as chief engineer. In the event of a sufficient number of Chinese not forthcoming for the conduct of railway business, Japanese shall be engaged. The change of chief engineer, if necessary, shall be effected by consulting with the Company.

Moreover an experienced Japanese shall be engaged as railway accountant. He shall have full responsibility for the disposition and superintendence of matters relating to the railway account business. He shall discharge the task of superintendence always in consultation with the general Director of the railways.

(*e*) The above railways, being under the jurisdiction of the Chinese Government, shall carry gratis the troops and provisions sent by the Chinese Government in time of war or famine.

(*f*) Receipts of the above railways shall be all deposited with the Japanese banks. The methods of paying in the deposits shall be decided upon by negotiations to be carried out for the conclusion of the loan contract.

ART. IV. The Chinese Government, after the purchase of the present Sinmintun-Mukden Railway, shall conclude, as soon as possible, the loan contract relating to the railway east of the Liao. Again, the Chinese Government shall cause Chinese and Japanese engineers to co-operately survey the route of the Kirin-Changchun Railway, in order to investigate the expenses required for its construction. The loan contract with the South Manchurian Railway Company shall be concluded within six months after the conclusion of the said investigations.

ART. V. Both the Sinmintun-Mukden and Kirin-Changchun Railways to be constructed by China shall be connected with the South Manchurian Railway. All regulations relating to this connection shall be decided upon in negotiations to be carried out between the committees to be appointed respectively by

the Chinese Railway Bureau and South Manchurian Railway Company.

ART. VI. The actual receipts of the loans mentioned in Articles I and II shall be equitably fixed in reference to the latest loan contract concluded by China with other countries.

ART. VII. The Sinmintun-Mukden Railway shall be handed over within one month after the payment of its price to the commissioners to be despatched by the Chinese Railway Bureau.

[Here follow the Signatures.]

Meiji, 40th year, 4th month, 15th day.
Kuang Hsu, 33rd year, 3rd month, 3rd day (April 15, 1907).

(No. 69.) *TREATY of Friendship, Commerce, and Navigation between China and Mexico. Signed at Washington, 14th December,* 1899.

[Signed also in Spanish and Chinese.]

[Ratifications exchanged at Washington, June 19, 1900.]

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

There shall be perpetual, firm, and sincere friendship between the United Mexican States and the Chinese Empire, as also between their respective citizens and subjects. They shall be at liberty to freely go to the respective countries of the High Contracting Parties and reside therein. They shall there have complete protection in their persons, families, and property, and they shall enjoy all the rights and advantages which are granted to the subjects of the most-favoured-nation.

ARTICLE II.

Appointment of Diplomatic Agents. Their Rights and Privileges.

In order to facilitate friendly relations between the two countries, the President of the United Mexican States may appoint a Diplomatic Agent to the Court at Peking, and His Majesty the Emperor

of China may likewise appoint a Diplomatic Agent near the Mexican Government.

The Diplomatic Agents of each of the High Contracting Parties may reside permanently or temporarily in the capital of the other, with their families and members of their suite, and enjoy, in the countries of their respective residence, the same prerogatives, exemptions, immunities, and privileges granted to the Agents of the same rank of the most-favoured-nation.

ARTICLE III.

Appointment of Consuls. Exequaturs. Privileges.

Each of the High Contracting Parties may appoint, at the ports or cities of the other open to foreign commerce, Consuls-General, Consuls, Vice-Consuls, and Consular Agents. These shall not enter in the discharge of their duties until they receive the exequatur of the Government of the country where they are to reside. The exequatur shall be issued free of charge. At the ports or cities where no Consul is appointed, his functions may be performed by a Consul of a friendly nation. Where there is no Consul the local authorities shall see that the citizens or subjects of the other Contracting Party enjoy the benefits of the present Treaty.

The Consular officers of the High Contracting Parties shall perform all the functions, and enjoy all the immunities and privileges which, in either of the two countries, are granted to the Consular officers of the most-favoured-nation.

The Consular officers shall not support the demands of their citizens or subjects if provocative or offensive to the authorities or inhabitants of their place of residence.

Should a Consular officer adopt offensive conduct towards the laws of the country of his residence, the exequatur may be withdrawn from him.

ARTICLE IV.

Passports.

Mexican citizens shall be permitted to go into the interior of China and travel therein, provided they are furnished with a passport issued, at the request of the Mexican Consul, by the Customs Taotai. This passport, written in the two languages, Spanish and Chinese, must be shown when the authorities of the place of transit ask it, and returned at the end of the journey. No obstacle shall be placed in the way of travellers engaging men, vehicles, or vessels for the transportation of their baggage.

In case the traveller is not provided with the proper passport, or he commits an unlawful act, he shall be delivered for trial to the nearest Consul of Mexico or of a friendly nation previously designated by the Mexican Government. In this case the local authorities

can only arrest the traveller, without insulting him or permitting any violence to him.

Mexican citizens shall be at liberty to make excursions without the necessity of providing themselves with a passport, in the neighbourhood of the open ports, for a distance not exceeding 100 *li*, and for a time not exceeding five days.

These stipulations are not applicable to the crews of vessels, who shall be subject, during their stay on land, to the regulations established by the Consuls and the authorities.

Chinese at Liberty to Travel in Mexico.

Chinese subjects shall be at liberty to travel through all the territory of Mexico, as long as they conduct themselves peaceably and do not violate the laws and regulations of the country.

ARTICLE V.

Emigration to be free and voluntary.

It is agreed between the two High Contracting Parties that the emigration of their respective subjects, whether accompanied by their families or not, shall be in future free and voluntary; consequently they disapprove of every act of violence or trickery which might be committed in the ports of China or anywhere else for the purpose of expatriating Chinese subjects against their will.

Penalties for Violation of Emigration Laws.

The two Governments engage themselves to prosecute with all the rigour of the laws any contravention of the preceding stipulation, and to impose penalties established by their respective legislations upon the persons and ships who may violate this stipulation.

ARTICLE VI.

Liberty to Trade at open Ports.

Mexican citizens shall be at liberty to travel with their merchandise and engage in commercial pursuits in all the ports of China where the subjects of other nations are permitted to engage in commerce.

Liberty to Chinese Subjects to trade in Mexico.

Chinese subjects shall, likewise, be at liberty to travel and engage in commerce in all places of the Mexican Republic, under the same conditions as the subjects of all other nations.

Advantages granted to any other Nation.

It is to be understood that in case either of the High Contracting Parties should hereafter grant, of its own accord, to any other nation advantages subject to special conditions, the other Contracting Party

shall enjoy said advantages, only provided it complies with the conditions imposed therein or their equivalent, to be mutually agreed upon.

ARTICLE VII.

Rules of Trade.

The citizens or subjects and merchant-vessels of each of the High Contracting Parties shall be subject, at the ports of the other open to foreign commerce, to the legal provisions which now regulate commerce with all other nations or which may be issued hereafter.

ARTICLE VIII.

Import and Export Duties. Most-favoured-nation Treatment.

The import duties imposed in the United Mexican States on the produce of the soil and industry of China, and in the Empire of China on the produce of the soil and industry of Mexico, shall be no other nor higher than those to which the same produce of the most-favoured-nation are or may be subject.

The same principal shall be observed in regard to exportation.

No prohibition nor restriction of importation or exportation shall take place in the reciprocal commerce of both countries, unless it be likewise applied to all other nations, except for sanitary motives or for the purpose of preventing the propagation of epizooties or the loss of crops, or also in view of the events of war.

ARTICLE IX.

Facilities for Ships of War. Exemption from Duties.

The ships of war of each of the Contracting Parties shall be admitted into the ports of the other, where those vessels of all other nations are allowed to enter, and to be treated as those of the most-favoured-nation.

They shall have entire liberty to purchase provisions, coal, and the necessary articles for a voyage, as also to get water and have all necessary repairs made.

The ships of war shall be exempt from the payment of all duties, both on their arrival and departure.

The Commanders of Mexican ships of war in China and the local principal authorities shall mutually treat each other on the basis of equality.

ARTICLE X.

Exemption from Military Service, Forced Loans, &c.

The citizens or subjects of each of the Contracting Parties, in the dominions and possessions of the other, shall be exempt from all compulsory military service whatever, whether in the army, navy, or national guard, or militia. They shall likewise be exempt from all contributions, whether pecuniary or in kind, imposed as a com-

pensation for personal service, and, finally, from forced loans, and from charges, requisitions, and war contributions, unless imposed on real property, when they shall pay them equally with nationals.

Employment of Vessels for Military Expeditions, &c. Compensation.

The vessels, cargoes, merchandise, or effects of citizens or subjects of neither Contracting Party shall be detained for any military expeditions, or for any public purpose whatever without corresponding compensation first being agreed upon and settled.

ARTICLE XI.

Merchant Ships may frequent open Ports.

The merchant-vessels of each of the Contracting Parties shall be at liberty to frequent the ports of the other open to foreign commerce, or that may hereafter be opened.

Coasting Trade reserved.

It is, however, agreed that this concession does not extend to the coasting trade, granted only to the national vessels in the territory of each of the Contracting Parties. But if one of them should permit it, wholly or in part, to any nation or nations, the other Party shall have the right to claim the same concessions or favours for its citizens or subjects, provided said Contracting Party is willing, on its part, to grant reciprocity in all its claims on this point.

Vessels to be subject to no higher Duties than those paid by any other Nation.

The vessels of each of the Contracting Parties shall not be subject, in the territory or ports of the other, on their entrance, departure, or stay, to other or higher duties, charges, or fees of public officials, on account of tonnage, lighthouse, port, pilotage, quarantine, salvage, assistance in case of damage or shipwreck, nor to other charges or duties, local or federal, of whatever kind or denomination, than are paid or which may hereafter be paid by vessels of any other nation.

Definition of Open Ports.

For the application of this and other Articles of the present Treaty, those are to be understood as ports of each of the Contracting Parties which are opened or that may hereafter be opened to the import and export trade by the respective Governments.

Limits of Territorial Waters for Customs purposes. Smuggling

The two Contracting Parties agree upon considering a distance of 3 marine leagues, measured from the line of low tide, as the

limit of their territorial waters for everything relating to the vigilance and enforcement of the Custom-house Regulations and the necessary measures for the prevention of smuggling.

Assistance to vessels seeking shelter.

The vessels of each of the High Contracting Parties which may have been disabled near the coast of the other and may have to seek shelter in a port, shall receive from the local authorities all the assistance which they can render.

The merchandise saved shall not be subject to the payment of duties, unless it shall be landed for the purpose of sale.

Those vessels shall be treated on the same terms as are granted under similar circumstances to those of other countries.

ARTICLE XII.

Rules to be established for Contract Labour.

The engagement by contract of citizens or subjects of one country as labourers, servants, or the like, in plantations, mills, shops, business establishments, or private families, in the other country, shall be subject to rules to be established by mutual agreement between both High Contracting Parties.

ARTICLE XIII.

Disputes between Mexicans and Chinese. Consular Intervention.

Mexicans in China who may have occasion of complaint against Chinese, shall lay their complaint before the Mexican Consul, who shall investigate the facts of the case and exert himself to bring about an amicable settlement.

If a Chinese should, likewise, have any occasion of complaint against a Mexican in China, the Mexican Consul shall listen to his complaint, and try to obtain a friendly settlement.

In case of failure, the Case to be submitted to the Court to which the Accused is subject.

Should the Consul be unable to reconcile the parties, the case is then to be submitted, in all equity, whether the plaintiff be a Mexican or a Chinese, only to the Court to which the accused is subject.

ARTICLE XIV.

Mexican Criminals to be arrested and punished by Mexican Authorities, and Chinese Criminals by Chinese Authorities.

Mexican citizens in China, who may commit any crime against Chinese subjects, shall be arrested by the Mexican Consular authorities and punished in accordance with the laws of Mexico.

Chinese subjects guilty of criminal acts against Mexican citizens in China shall be arrested and punished by the Chinese authorities *in conformity* with the laws of China.

Civil and Criminal Suits in China to be tried by Authorities of Defendant's Country.

As a general rule, every civil or criminal suit instituted in China, between the citizens or subjects of the two Contracting Parties, shall be tried only according to the laws and by the authorities of the country to which the defendant or accused belongs.

Cases of Robbery or Fraud, and Debt.

The High Contracting Parties shall not be bound to reimburse any money that has been stolen or obtained by fraud, or owing by a citizen or subject of one of the two countries to a subject or citizen of the other country. In case of robbery or fraud, the proceedings to be instituted shall be in accordance with the laws of the country to which the accused belongs; and in case of debt, the authorities of the country of the debtor shall do all they can to make the debtor comply with his obligation.

Chinese Criminals to be given up.

Should Chinese subjects in China, who are principal actors or accomplices of a crime, take refuge in the houses, warehouses, or on board the merchant-vessels of Mexican citizens, the Chinese authorities shall lay the facts in this case before the Mexican Consular Officers, and they shall conjointly appoint agents for the apprehension of the criminals, who shall not be protected nor hidden.

ARTICLE XV.

Mexican Jurisdiction over Persons or Property of Mexicans. Jurisdiction in Suits between Mexicans and Foreigners.

All legal questions that may arise in China between Mexican citizens concerning their persons or property shall be subject to the exclusive jurisdiction of the Mexican authorities. Suits instituted in China between Mexican citizens and foreigners shall be decided only by the authorities of their respective countries.

When Chinese shall be concerned in suits, the proceedings shall be in accordance with the provisions of the two preceding Articles.

Jurisdiction over Foreign Subjects in China.

Should the Chinese Government think proper, hereafter, to establish, in accord with foreign Powers, a code for the purpose of settling the matter of jurisdiction over foreign subjects in China, Mexico shall have an equal share in said agreement.

ARTICLE XVI.

Breaches of the Peace to be dealt with by the Local Authorities.

Persons, of whatever condition they may be, who may land from vessels of one of the High Contracting Parties, at an open port

of the other, and cause any disturbance on shore within twenty-four hours of their landing, shall be punished by the proper local authorities, but only with fine or imprisonment in accordance with the usages established at said port.

Collisions in Chinese Waters.

The questions arising from Collisions in Chinese waters between vessels of the two countries shall be decided by the authorities of the accused, in accordance with the legal regulations in force in all countries respecting collisions.

Should the complainant not be satisfied with the decision, the Agents of the country to which he belongs shall be authorized to apply officially to the authorities that have tried the offender, and they shall re-try the case and give a final and equitable decision on the same.

ARTICLE XVII.

Free Access of Chinese in Mexico to Courts.

Chinese subjects in Mexico shall have free access to the Judicial Tribunals of the country for the defence of their legitimate rights. They shall enjoy, in this respect, the same rights and concessions enjoyed by Mexicans or by subjects of the most favoured nation.

ARTICLE XVIII.

English Text of Treaty to be Authoritative.

This Treaty shall be engrossed in the three languages, Spanish, Chinese, and English ; the Spanish text shall be observed in Mexico, the Chinese text in China, and, in case of disagreement, the English version shall be decisive.

ARTICLE XIX.

Duration of Treaty.

This Treaty shall remain in force for ten years, reckoned from the day of the exchange of ratifications. The High Contracting Parties can, at the expiration of that time, propose modifications by means of a notice to be given six months in advance ; and if neither of them should do so, the Treaty shall continue to remain in force in all its provisions until the expiration of one year after one of the Parties has expressed to the other its intention of terminating it.

ARTICLE XX.

Ratifications.

This Treaty shall be ratified by the two High Contracting Parties, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our respective seals.

Done at Washington, in two originals in the three languages, Spanish, Chinese, and English, this 14th day of December, of the year 1899, of the Christian era, corresponding to the 12th day of the 11th moon of the 25th year of Kuang Hsü.

(L.S.) MANUEL DE AZPIROZ.
(L.S.) WU TING-FANG.

(No. 70.) *TREATY of Friendship and Commerce between China and the Netherlands. Signed at Tientsin, 6th October,* 1863.*

[Signed in Chinese and Dutch.]

[Ratifications exchanged at Canton, July 26, 1865.]

(Translation.)

Preamble.

ARTICLE I.

Appointment of Diplomatic and Consular Agents in China.

HIS Majesty the King of the Netherlands may appoint an Envoy, Plenipotentiary, or other Diplomatic Agent, to represent him in China, and to look after Netherland interests, and he may also appoint Consuls, Vice-Consuls, or Consular Agents, for the government and protection of his subjects in all the ports in the Chinese Empire which are open to Netherland trade by this Treaty. The necessary report of the appointment of the Consular functionaries shall be sent by the Representative of the Netherlands to the Imperial Commissioners charged with the supervision of the foreign trade in the various departments of the Empire, who shall register the local functionaries in the open ports to give effect to the appointment.

Freedom of Netherland Agent to go to Peking.

The Representative of the Netherlands shall have the right of visiting the capital of the Empire for the transaction of State affairs, and of travelling to and fro at his own expense without the intervention of the Chinese Government.

Freedom of Netherland Officials to travel in China.

Netherland functionaries may travel through China without hindrance, under the protection of the Chinese Government against injury or opposition. No marks of homage shall be required of

* "State Papers." Vol. 60. Page 766.

them inconsistent with their dignity as representatives of an independent nation.

Transaction of Business between Netherland Representative and Chinese Government.

The Plenipotentiary of the Netherlands shall treat with the Imperial Ministers in correspondence and verbally on the footing of equal rank.

Rank of Consuls.

Consuls shall be considered as of equal rank with District-Intendants, and Vice-Consuls with Town-Prefects, and in the written or verbal transaction of business shall observe the same forms of civility.

ARTICLE II.

Ports open to Netherland Merchants. Right of Residence, Hiring and Letting Land and Houses, Building Houses, Warehouses, Churches, Hospitals, Burial Grounds, &c.

The sea-ports in the Chinese Empire opened for the Netherland merchants are the following, viz., Canton, Swatow, Foochow, Amoy, Ningpo, Shanghai, Tientsin, Chefoo, Newchwang, Taiwan, and Tamsui (Formosa), and Kiungchow (Hainan). The subjects of the Netherlands may come and go there at their choice with their goods and ships, and enjoy there the full right of residence, hiring and letting of land and houses, building of dwelling and warehouses, churches, hospitals, formation of burying-grounds, &c. The land-rents shall be equitably settled and without extortion.

Commercial Rights in River Ports. Prohibition to visit Places occupied by Rebels or Pirates, or to sell Munitions of War on pain of confiscation of Ship and Cargo.

The subjects of the Netherlands shall enjoy the same commercial rights also in the river-ports of Hankow, Kiukiang, and Chinkiang, observing the general regulations for the control of the trade on the Yang-tsze river, issued or hereafter to be issued by the Chinese Government, but places occupied by rebels or robbers must not be visited by the subjects of the Netherlands, nor be supplied with ammunition or provisions by their ships, on pain of confiscation of ship and cargo, and the delivery of the offender to the nearest Netherland Consulate.

ARTICLE III.

Freedom of Netherland Subjects to travel in China. Passports.

The subjects of the Netherlands may travel in the interior of China, whether for their pleasure, or for the purpose of trading. If they travel for their pleasure, they must be provided with a passport issued by the Netherland Consul of the port where the journey begins, and sealed by the local authority there, and that document

must be shown to the Chinese authorities of the places through which the travellers pass. The travellers may hire men and vehicles for their conveyance everywhere without hindrance. Should a subject of the Netherlands be found travelling without a proper passport, or should he break the laws of the land during his journey, he shall be arrested and delivered up to the nearest Consulate of the Netherlands for trial, but without any ill-treatment on the way. For short journeys from the open ports, not exceeding a distance of a hundred li (about 35 English miles), and for not more than five days, no passport need be shown ; sailors and other seafaring people are, however, excluded from this last regulation.

Netherland Merchants not allowed to establish Commercial Houses and Shops in the Interior.

If Netherlanders travel in the interior to carry on trade or to convey merchandise, then they must observe the existing general regulations on the subject. They shall not be allowed to establish commercial houses or shops in the interior.

ARTICLE IV.

Protection to Missionaries. Native Converts.

Netherland Christian missionaries who are in the interior for the peaceful dissemination of the Christian religion shall be protected by the Chinese officials.

Natives who wish to embrace their doctrine must not be prevented or persecuted so long as they are not guilty of infringing the laws of the land.

ARTICLE V.

Employment of Chinese by Netherland Subjects.

[Same as Great Britain, **No. 6,** Art. XIII.]

Hire of Boats. Smuggling.

[Same as Great Britain, **No. 6,** Art. XIV.]

ARTICLE VI.

Consular Jurisdiction in Disputes between Netherland Subjects. Disputes between Dutch and Chinese. Chinese and Netherland Subjects to be tried by their respective Authorities.

Disputes between Netherland subjects shall be settled by the local Consul without the intervention of the Chinese Government. In case of disputes between Netherland subjects and Chinese, the authorities on both sides shall endeavour to bring the parties to an amicable arrangement, but if they do not succeed, they shall confer with each other, and decide according to justice.

Chinese subjects guilty of offences against Netherland subjects

shall be tried before the Chinese authority, and, *vice versâ*, Netherland subjects who have offended against Chinese, shall be judged by their authorities according to the laws of the Netherlands; on both sides with strict and impartial observance of justice.

Extradition of Criminals.

Criminal Netherland subjects, who may take refuge in the interior, or criminal Chinese, who may flee into houses or ships belonging to Netherland subjects, shall, after information and due investigation of the case by the respective authorities, be immediately delivered up to their proper judges, without concealment or retention.

Recovery of Debts. Neither Government responsible for repayment.

If Chinese, who owe money to Netherland subjects, take flight, and the Chinese authorities can find them out, they shall be arrested, and what is owing shall be demanded of them. In like manner, Netherland subjects who have fled on account of debts to Chinese shall be prosecuted therefor by the Netherland authorities, if possible. But neither of the two Government shall be responsible for the payment of such debts.

ARTICLE VII.

Protection of Persons and Property. Wrecks.

The Chinese Government shall at all times take the persons and property of Netherland subjects under protection, and in cases of attack or robbery shall immediately take the necessary steps to recover the property and to punish the offenders.

If any Netherland ship should be plundered by robbers while in Chinese waters, the Chinese authorities shall use every effort to punish the offenders and to recover the plunder, for delivery to the Netherland owner. But the Chinese authorities shall not be bound to make good the stolen property.

If any Netherland ship should be wrecked on the coast of China, or take refuge in a port of the Chinese Empire, under stress, the Chinese authorities shall take measures for the rescue and protection of those on board and of their property, and if necessary afford them the opportunity of reaching the nearest station of a Netherland Consul.

ARTICLE VIII.

Tonnage Dues. Exemptions. Certificates of Exemption.

Netherland merchant ships, measuring more than 150 English tons, or 86 Netherland lasts burthen, shall pay in Chinese ports a tonnage duty of 4 mace per measured English ton; if the burthen is not more than 150 English tons, the tonnage duty shall be one mace per measured English ton.

Any Netherland ship clearing out from a Chinese port for else-

where, shall, on the application of the Captain, be provided with a certificate by the Custom House, on the exhibition whereof such vessel shall be exempt from tonnage duty in Chinese ports for the term of 4 successive months, beginning from the day of clearing out.

If a Netherland merchant ship shall be cleared out again within at most two days after arriving in any Chinese port, without having loaded or unloaded, it shall not have to pay tonnage duty. After the expiration of that term, however, the tonnage duty is due, although the ship's hatches may not then have been opened, but beyond this no other costs or charges shall be levied. If a ship enters an open port on account of distress or damage, it does not come under this regulation, but is exempt from tonnage duty, provided its stay in the port is not employed for unloading or loading goods; if it is so employed the full tonnage duty must be paid.

No tonnage duty shall be levied on boats employed by Netherland subjects exclusively for the conveyance of passengers, baggage, letters, or other goods, the conveyance of which is not liable to the payment of duties; but freight boats employed in the conveyance of goods liable to duty, shall be charged once every four months with a tonnage duty of one mace for every measured English ton.

ARTICLE IX.

Liability of Vessels entering Port. Ships' Manifests and Bills of Lading.

[Similar to Great Britain, **No. 6,** Art. XXXVII.]

Permits to open Hatches and discharge Goods.

[Similar to Great Britain, **No. 6,** Art. XXXVIII.]

Port-clearances.

[Same as Great Britain, **No. 6,** Art. XLI.]

In absence of Consul, Masters to communicate with Chinese Customs Officers.

If there be no Netherland Consul or legal representative, the Captain is authorized and bound to enter into immediate communication with the local Custom House for the fulfilment of the stipulations contained in this Article.

ARTICLE X.

Import, Export, and Transit Duties. Most-favoured-nation Treatment.

[Similar to Great Britain, **No. 6,** Art. XXIV.]

Payment of Import, Export and Transit Duties.

All import duties shall be payable at the time of unloading, and export duties at the time of loading the goods liable to those duties, whilst the transit duty on transmission into the interior shall be levied on the issue of the permit for transmission by the Custom House.

Trans-shipments. Permits to Land and Ship Cargoes.

[Similar to Great Britain, **No. 6,** Arts. XXXIX and XL.]

Drawback Certificates.

Netherland merchants who wish to export again to another port of the empire the goods which they have imported into a Chinese port on payment of the duties, shall have the goods examined on the part of the Custom House. If it appears that the goods correspond with the description thereof in the books of the Custom House, a drawback certificate shall be given to the merchant, stating the amount of import duties paid, which certificate can afterwards be used in payment of import or export duties at the same Custom House. The goods thus re-exported pay import duties again on arrival at the other Chinese ports.

Confiscation for Fraud.

If at the examination it should appear that fraud has been committed against the Custom House, the goods shall be confiscated.

Certificates for Re-export.

If it be desired to re-export to foreign parts goods upon which the import duty has been paid, then a certificate is to be procured in like manner from the Custom House, which can afterwards be used for payment there.

Foreign Grain.

Foreign grain, brought in Netherland ships, and not begun to be unloaded, may be re-exported free. But if it has been partly or wholly unloaded, then, according to tariff regulation, neither the unloaded nor the not unloaded part can be exported to another Chinese port.

ARTICLE XI.

Mode of Levying Duties on Goods.

The duties on goods shall be charged on the net weight after deduction of the actual tare. If any difference should arise between the Custom House and the owner respecting the quantity of the tare, both parties shall examine and settle the actual tare together. In other cases of difference not capable of settlement by inspection, the Netherland owner of the goods may appeal to his Consul within

24 hours, who shall communicate with the Custom House for the adjustment of the affair, and during the discussion the amount of duties owing shall remain unentered.

Mode of levying ad valorem *Duties.*

With regard to goods chargeable according to the tariff *ad valorem*, if any difference arise between the Netherland owner and the Custom-House officers respecting the value, each party shall invite two or three merchants to examine the goods, and the highest price at which one of those merchants shall be willing to buy the goods shall be considered as the value of the goods.

Reduction of Duty on Damaged Goods.

In case any of the goods shall be found to be damaged, the duties shall be abated in proportion to the loss of value thereby occasioned; and if there be a difference thereupon, it shall be settled as provided above for deciding the amount of duty to be levied on articles chargeable *ad valorem*.

ARTICLE XII.

Prevention of Frauds.

In each of the open ports the Chinese authorities shall adopt such measures as appear to them most expedient to prevent injury to the imperial revenue by fraudulent evasion of duties.

Netherland Vessels trading with non-open Ports liable to Confiscation, except in cases of Stress of Weather.

Netherland merchant ships must not, for purposes of trading, touch at any other places in China than the ports opened by this Treaty, on pain of confiscation of ship and cargo. If, however, a ship should from urgent distress and necessity take refuge in a port that is not open, then this penal provision is not applicable; but the Chinese authorities shall take measures to protect the ship and to put it in a condition to continue its voyage, without allowing any unlawful trading to take place in the port, which is forbidden on pain of confiscation of ship and cargo.

Confiscation of Goods for Smuggling. Ship may be prohibited entering Chinese Ports.

If it appears that a Netherland merchant ship is engaged in smuggling in an open port of the empire, the goods, of whatever kind or value, shall be confiscated, and the ship, moreover, may be declared to have forfeited in future the rights granted by this Treaty.

All Fines and Confiscations to belong to Chinese Government.

All fines imposed and confiscations declared in pursuance of the provisions of this Treaty shall be for the benefit of the Chinese Administration.

ARTICLE XIII.

Facilities to be granted to Netherland Ships of War. Piracy, &c.

[Same as Great Britain, **No. 6,** Art. LII.]

ARTICLE XIV.

Official Correspondence to be in Dutch and Chinese.

[Similar to Belgium, **No. 34,** Art. VIII.]

ARTICLE XV.

Most-favoured-nation Treatment to Netherland Government and Subjects.

All rights, privileges, and franchises not included in this Treaty, but which are granted, or may hereafter be granted, to other foreign nations, must be fully shared by the Netherland Government and its subjects.

ARTICLE XVI.

Ratifications.

The ratification of this Treaty shall take place within a year from the signature, and each of the Contracting Parties shall appoint a high functionary to exchange the ratified Treaties, either at Tientsin or at Canton.

In witness of the foregoing the two aforesaid Plenipotentiaries have signed and sealed this Convention with their own hands.

Done at Tientsin, this 6th day of October, in the year 1863, corresponding with the 24th day of the 8th month of the second year of Tong Tsjie.

(L.S.) TSONG HAU.
(L.S.) J. DES AMORIE VAN DER HOEVEN.

SEPARATE ARTICLE.

Revision of Tariff.

On the revision of the tariff of commercial duties in China, which is to take place hereafter, in pursuance of the various Treaties exchanged between China and other Powers, the Netherland Government shall have the right of taking part in the negotiations which are to be entered into thereupon, wherefore no special term is fixed in the Treaty now concluded between the Netherlands and China.

In witness whereof the respective Plenipotentiaries have signed and sealed this separate Article of Convention with their own hands.

Done at Tientsin, on this 6th day of October, in the year 1863, corresponding with the 24th day of the 8th month of the second year of Tong Tsjie.

(L.S.) TSONG HAU.
(L.S.) J. DES AMORIE VAN DER HOEVEN.

(No. 71.) *TREATY of Friendship, Commerce, and Navigation between China and Peru. Signed at Tientsin, 26th June, 1874.**

[Signed also in Spanish and Chinese.]

[Ratifications exchanged at Tientsin, August 7, 1875.]

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Belgium, **No. 34,** Art. I.]

ARTICLE II.

Appointment and Residence of Diplomatic Agents.

[§ 1. Similar to Great Britain, **No. 6,** Art. II.]

[§ 2. Same as Great Britain, **No. 6,** Art. III, § 1.]

ARTICLE III.

Privileges and Immunities of Diplomatic Agents.

The Diplomatic Agent of each of the Contracting Parties, shall at their respective residences, enjoy all privileges and immunities accorded to them by international usages.

ARTICLE IV.

Appointment of Consular Officers.

The Government of Peru may appoint a Consul-General, and for such open ports or cities of China where it may be considered most expedient for the interest of Peruvian commerce, Consuls, Vice-Consuls, or Consular Agents. These officers shall be treated with due respect by the Chinese authorities, and enjoy the same privileges and immunities as the Consular Officers of the most favoured nation.

His Majesty the Emperor of China may appoint a Consul-

* "State Papers." Vol. 66. Page 1125.

General, Consuls, Vice-Consuls, or Consular Agents at any port or town of Peru where Consular Officers of any other Power are admitted to reside. All of these officers shall enjoy the same rights and privileges as those of the most favoured nation in Peru.

Consular Officers not to be Merchants.

It is further agreed that the appointment of the said Consular Officers shall not be made in merchants residing in the locality.

ARTICLE V.

Passports.

Peruvian citizens are at liberty to travel for their pleasure or for purposes of trade in all parts of China under express condition of being provided with passports written in Spanish and Chinese, issued in due form by the Consuls of Peru and viséd by the Chinese authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons, or hiring vessels or carts for the carriage of his baggage or merchandise, and the said mer chandise shall be conveyed in accordance with the general regulations of foreign trade.

If the traveller be without a passport, he shall be handed over to the nearest Consul in order to enable him to procure one. The above provision will in like manner be applicable to cases of a Peruvian citizen committing any offence against the law of China. But he shall in no case be subjected by the Chinese authorities to any kind of ill-treatment or insult.

The citizens of Peru may go on excursions from the open ports or cities to a distance not exceeding 100 li and for a period not exceeding five days, without being provided with a passport.

The above provisions do not apply to the crews of ships, who, when on shore, shall be subject to the disciplinary regulations drawn up by the Consul and the local authorities.

Chinese travelling in Peru.

Chinese subjects shall have the liberty to travel at their pleasure throughout the territory of Peru, as long as they behave peaceably and commit no offence against the laws and regulations of the country.

ARTICLE VI.

Emigration.

The Republic of Peru and the Empire of China cordially recognize the inherent and inalienable right of man to change his home. Their citizens and subjects respectively may consequently go freely *from* the one country to the other for the purposes of curiosity,

trade, labour, or as permanent residents. The High Contracting Parties therefore agree that the citizens and subjects of both countries shall only emigrate with their free and voluntary consent; and join in reprobating any other than an entirely voluntary emigration for the said purposes, and every act of violence or fraud that may be employed in Macao or the ports of China to carry away Chinese subjects. The Contracting Parties likewise pledge themselves to punish severely, according to their laws, their respective citizens and subjects who may violate the present stipulations, and also to proceed judicially against their respective ships that may be employed in such unlawful operations, imposing the fines which for such cases are established by their laws.

ARTICLE VII.

Appointment by Peruvian Government of Interpreters of Chinese Language in Immigration Centres in Peru.

It is further agreed, that for the better understanding and more efficient protection of the Chinese subjects who reside in Peru, the Peruvian Government will appoint official interpreters of the Chinese language in the Prefectures of the Departments of Peru where the great centres of Chinese immigration exist.

ARTICLE VIII.

Trade with open Ports. Most-favoured-nation Treatment.

The merchant ships belonging to Peruvian citizens shall be permitted to frequent all the ports of China open to foreign trade and to proceed to and fro at pleasure with their merchandise, enjoying the same rights and privileges as those of the most favoured nation.

In like manner, the merchant ships belonging to Chinese subjects may visit all the ports of Peru open to foreign commerce and trade in them, enjoying the same rights and privileges which in Peru are granted to the citizens or subjects of the most favoured nation.

ARTICLE IX.

Tariff of Customs Duties. Most-favoured-nation Treatment.

Peruvian citizens shall pay at the ports of China open to foreign trade, on all the goods imported or exported by them, the duties enumerated in the tariff which is now in force for the regulation of foreign commerce; but they can in no case be called to pay higher or other duties than those required now or in future of the citizens or subjects of the most favoured nation.

No other or higher duties shall be imposed in the ports of Peru on all goods imported or exported by Chinese subjects than those which are or may be imposed in Peru on the commerce of the most favoured nation.

ARTICLE X.

Facilities for Ships of War. Exemption from Duties.

The ships of war of each country respectively shall be at liberty to visit all the ports within the territories of the other to which the ships of war of other nations are or may be permitted to come. They shall enjoy every facility, and meet no obstacle in purchasing provisions, coals, procuring water, and making necessary repairs. Such ships shall not be liable to the payment of duties of any kind.

ARTICLE XI.

Vessels seeking Shelter in Chinese Ports.

Any Peruvian vessels, being from extraordinary causes compelled to seek a place of refuge, shall be permitted to enter any Chinese port whatever, without being subject to the payment of tonnage dues or duties on the goods, if only landed for the purpose of making the necessary repairs of the vessel, and remaining under the supervision of the Superintendent of the Customs.

Wrecks and Salvage.

Should any such vessel be wrecked or stranded, the Chinese authorities shall immediately adopt measures for rescuing the crew, and for securing the vessel and cargo. The crew thus saved shall receive friendly treatment, and, if necessary, shall be furnished with the means of conveyance to the nearest Consular station.

If any Chinese vessels be wrecked or compelled by stress of weather to seek a place of refuge in the coasts of Peru, the local maritime authorities shall render to them every assistance in their power; the goods and merchandise saved from the wreck shall not be subject to duties unless cleared for consumption; and the ships shall enjoy the same liberties which in equal cases are granted in Peru to the ships of other nations.

ARTICLE XII.

Disputes between Peruvians and Chinese. Consular Intervention.

[Same as Great Britain, **No. 6**, Art. XVII.]

ARTICLE XIII.

Chinese Criminals to be punished by Chinese Authorities.

Chinese subjects guilty of a criminal action towards a Peruvian citizen in China shall be arrested and punished by the Chinese authorities, according to Chinese laws.

Peruvian Consular Jurisdiction in Criminal Cases.

Peruvian citizens in China who may commit any crime against a Chinese subject shall be arrested and punished according to the laws of Peru by the Peruvian Consular Officer.

ARTICLE XIV.

Disputes between Peruvians.

All questions in regard to rights, whether of property or person, arising between Peruvian citizens in China shall be subject to the jurisdiction of the Peruvian authorities.

Disputes between Peruvians and other Foreigners.

Disputes between citizens of Peru and those of other foreign nations shall be decided in China according to the Treaties existing between Peru and those foreign nations. In all cases, however, of Chinese subjects being concerned in the matter, the Chinese authorities may interfere in the proceeding according to Articles XII and XIII of this Treaty.

ARTICLE XV.

Access of Chinese to Peruvian Courts of Law.

Chinese subjects in Peru shall have free and open access to the Courts of Justice of Peru for the prosecution and defence of their just rights; they shall enjoy in this respect the same rights and privileges as native citizens, and shall also be treated in every way like the citizens and subjects of other countries resident in Peru.

ARTICLE XVI.

Rights and Privileges. Most-favoured-nation Treatment.

The Contracting Parties agree that the Government, public officers, and citizens of the Republic of Peru shall fully and equally participate in all privileges, rights, immunities, jurisdiction, and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China, to the Government, public officers, citizens or subjects of any other nation.

In like manner, the Government, public officers, and subjects of the Empire of China shall enjoy in Peru all the rights, privileges, immunities and advantages of every kind which in Peru are enjoyed by the Government, public officers, citizens, or subjects of the most favoured nation.

ARTICLE XVII.

English Text of Treaty to be Authoritative.

In order to prevent for the future any discussion, and considering that the English language, among all foreign languages, is the most generally known in China, this Treaty is written in the Spanish, Chinese, and English languages, and signed in nine copies, three in each language. All these versions have the same sense and signification, but whenever the interpretation of the Spanish and Chinese versions may differ, then reference shall be made to the English text.

ARTICLE XVIII.

Revision of Treaty after 10 *years.*

If in the future the High Contracting Parties desire a modification of any stipulation contained in this Treaty, they shall be at liberty, after the lapse of 10 years dated from the day of the exchange of the ratifications of this Treaty, to open negotiations to that effect. Six months before the expiration of the 10 years, either of the Contracting Parties may officially notify to the other that modifications of the Treaty are desired, and in what these consist. If no such notification is made, the Treaty remains in force for another 10 years.

ARTICLE XIX.

Ratifications.

The present Treaty shall be ratified by His Excellency the President of Peru after being approved by the Peruvian Congress, and by His Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tientsin, as soon as possible.

In token whereof the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Tientsin, this 26th day of the month of June, in the year of the Lord 1874, corresponding to the Chinese date of the 13th day of the 5th moon of the 13th year of Tung-Chi.

(L.S.) AURELIO GARCIA Y GARCIA.
(L.S.) LI-HUNG-CHANG.

SPECIAL AGREEMENT respecting Chinese Immigrants in Peru. 26th June, 1874.

[Signed also in Spanish and Chinese.]

THE Undersigned, Aurelio Garcia y Garcia, a Post-Captain in the Peruvian Navy, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Peru for the Empires of China and Japan, and

Li, Minister Plenipotentiary of His Majesty the Emperor of China, Imperial Commissioner, Grand Guardian of the Heir Apparent, Grand Secretary, a President of the Board of War, Governor-General of the Province of Chih-li, and invested with the dignity of the second order of nobility,

Have concluded the following Special Agreement:—

Inasmuch as at present, Chinese are known to be residing in great numbers within the territory of Peru, and in view of the representations that have been made to the effect that some of these are suffering grievances, now then the respective Plenipotentiaries, being desirous of establishing amicable relations between

the two countries, agree, on the one hand, that a Treaty of Friendship, Commerce, and Mutual Intercourse shall be concluded, and on the other, that with the view of establishing a thorough friendly understanding, the Chinese Government shall send a Commission to Peru.

The said Commission shall institute a thorough investigation into the condition of Chinese immigrants in all parts of Peru, to whom they shall make known the objects in view by means of public notifications.

The Government of Peru, on their side, will give the fullest possible assistance to the Commission in the fulfilment of its duties, and will treat it with all due courtesy.

On the arrival of the Commission in Peru, the Peruvian Government will order all local or provincial authorities to give to the Commission all the assistance in their power for the performance of its duties.

In case it should be ascertained that Chinese immigrants whose contracts have not expired, be their numbers what they may, are actually suffering ill-treatment, it is now agreed that the Commission shall communicate the particulars concerning them to the local authorities. In case the employers of such Chinese immigrants decline to acknowledge the ill-treatment, the local authorities shall then send the complaints in question before the tribunals for judicial inquiry and decision.

If the immigrants in any case be dissatisfied with the decision of the primary Judge, it shall be open to the aggrieved parties forthwith to appeal to the higher Courts of Justice of Peru for further investigation.

The Chinese immigrants will be placed on a footing of equality as regards legal procedure with that enjoyed by the subjects of the most favoured nation residing in Peru.

From the date of the ratification of this Special Agreement by the Peruvian Government, the said Government will compel the employers of Chinese immigrants whose contracts have expired, and in which it may have been stipulated that they shall be sent back to China, to provide them with passage back to their native country, if they be desirous of returning to China.

In the case of Chinese immigrants in whose contracts no stipulation is made for the return passage on the expiry of the contracts, and provided that the immigrants shall express a wish to return to China, but shall be without the means of providing their own passage, the Peruvian Government will cause them to be repatriated gratuitously in the ships which leave Peru for China.

The present Agreement is written and signed in six copies, viz., two in Spanish, two in Chinese, and two in English. All these versions have the same meaning and intention.

The present Agreement shall be ratified by His Excellency the President of the Republic of Peru, after being approved by the

Peruvian Congress, and by His Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tientsin.

In token whereof the respective Plenipotentiaries have signed and sealed this Agreement.

Done at Tientsin, this 26th day of the month of June, in the year of the Lord 1874, corresponding to the Chinese date the 13th day of the 5th moon of the 13th year of Tung-Chi.

(L.S.) AURELIO GARCIA Y GARCIA.
(L.S.) LI-HUNG-CHANG.

[A Treaty of Commerce, &c., was signed between China and Portugal, at Tientsin, on the 13th August, 1862 (see "State Papers," Vol. 55, p. 790), but it was not ratified, in consequence of a dispute arising respecting the Sovereignty of Macao.]

(No. 72.) *PROTOCOL between Portugal and China respecting the Relations between the two Countries. Signed at Lisbon, 26th March,* 1887.

[Signed also in Portuguese.]

THE Government of His Most Faithful Majesty the King of Portugal and the Algarves, and that of His Imperial Majesty the Emperor of China, having decided to regulate the friendly relations existing for more than three centuries between the two countries, have agreed for this purpose to a preliminary Protocol. To this effect the Undersigned, Henrique de Barros Gomes, of His Majesty's Council, his Minister and Secretary of State for Foreign Affairs, and James Duncan Campbell, Commissioner and Non-Resident Secretary of the Inspectorate-General of Chinese Imperial Maritime Customs, duly empowered by their respective Governments, have concluded the following Protocol :—

ARTICLE I.

Treaty of Friendship and Commerce, with most-favoured-nation clause, will be concluded and signed at Peking.*

ARTICLE II.

China confirms perpetual occupation and government of Macao and its dependencies by Portugal, as any other Portuguese Possession.*

ARTICLE III.

Portugal engages never to alienate Macao and dependencies without agreement with China.

* See Treaty, 1st December, 1887 (**No. 73**).

ARTICLE IV.

Portugal engages to co-operate in opium revenue work at Macao in same way as England at Hong Kong.*

Done at Lisbon, the 26th March, 1887.

(L.S.) HENRIQUE DE BARROS GOMES
(L.S.) JAMES DUNCAN CAMPBELL.

(No. 73.) *TREATY of Friendship and Commerce between Portugal and China. Signed at Peking, 1st December,* 1887.†

[Signed also in Portuguese and Chinese.]

[Ratifications exchanged at Tientsin, April 28, 1888.]

His Most Faithful Majesty the King of Portugal and the Algarves and His Imperial Majesty the Emperor of China, desiring to draw closer and to consolidate the ties of friendship which subsist already for more than 300 years between Portugal and China, and having agreed in Lisbon on the 26th day of March, 1887, 2nd day of 3rd moon of the 13th year of the reign of the Emperor Kwang Sü, through their representatives, on a Protocol‡ of four Articles, have now resolved to conclude a Treaty of Amity and Commerce to regulate the relations between the two States; for this end they have appointed as their Plenipotentiaries, that is to say:

His Most Faithful Majesty the King of Portugal and the Algarves, Thomás de Sousa Rosa, his Envoy Extraordinary and Minister Plenipotentiary in Special Mission to the Court of China.

His Imperial Majesty the Emperor of China, His Highness Prince Ch'ing, President of the Tsung-li Yamên, and Sun, Minister of the Tsung-li Yamên, and Senior Vice-President of the Board of Works;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon the following Articles:—

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Denmark, **No. 38,** Art. I.]

ARTICLE II.

Macao. Portuguese Occupation.

China confirms, in its entirety, Article II of the Protocol of Lisbon relating to the perpetual occupation and government of Macao by Portugal.

* See Treaty, 1st December, 1887 (**No. 73**).
† "State Papers." Vol. 78. Page 521. ‡ See **No. 72.**

Boundaries to be Defined.

It is stipulated that Commissioners appointed by both Governments shall proceed to the delimitation of the boundaries, which shall be determined by a special Convention; but so long as the delimitation of the boundaries is not concluded, everything in respect to them shall continue as at present without addition, diminution, or alteration by either of the Parties.

ARTICLE III.

Macao. Non-alienation by Portugal.

Portugal confirms, in its entirety, Article III of the Protocol of Lisbon relating to the engagement never to alienate Macao without previous agreement with China.

ARTICLE IV.

Opium Trade of Macao.

Portugal agrees to co-operate with China in the collection of duties on opium exported from Macao into Chinese ports, in the same way and as long as England co-operates with China in the collection of duties on opium exported from Hong Kong into Chinese Ports.

The bases of this co-operation will be established by a Convention* appended to this Treaty, which shall be as valid and binding to both the High Contracting Parties as the present Treaty.

ARTICLE V.

Appointment and Residence of Diplomatic Agents.

His Most Faithful Majesty the King of Portugal and the Algarves may appoint an Ambassador, Minister, or other Diplomatic Agent to the Court of His Imperial Majesty the Emperor of China, and this Agent, as well as the persons of His suite and their families, will be permitted, at the option of the Portuguese Government, to reside permanently in Peking, to visit that Court, or to reside at any other place where such residence is equally accorded to the Diplomatic Representatives of other nations.

The Chinese Government may also, if it thinks fit, appoint an Ambassador, Minister, or other Diplomatic Agent to reside in Lisbon, or to visit that Court when his Government should order.

ARTICLE VI.

Rights and Privileges of Diplomatic Agents.

The Diplomatic Agents of Portugal and China shall reciprocally enjoy in the place of their residence all the prerogatives and immunities accorded by the law of nations. Their persons, families, and homes, as well as their correspondence, shall be inviolate.

* See Convention and Agreement of 1st December, 1887 (**Nos. 74 and 75**).

ARTICLE VII.

Official Correspondence.

The official correspondence addressed by Portuguese authorities to the Chinese authorities shall be written in the Portuguese language accompanied by a translation in Chinese, and each nation shall regard as authoritative the document written in its own language.

ARTICLE VIII.

Form of Correspondence.

The form of correspondence between the Portuguese and the Chinese authorities will be regulated by their respective rank and position based upon complete reciprocity. Between the high Portuguese and Chinese functionaries at the capital or elsewhere, such correspondence will take the form of despatch ("Chan-hoei"); between the subordinate functionaries of Portugal and the chief authorities of the Provinces, the former shall make use of the form of exposition ("Xen-chen") and the latter that of declaration ("Chah-sing"); and the subordinate officers of both nations shall correspond together on terms of perfect equality. Merchants and generally all others who are not invested with official character shall adopt in addressing the authorities the form of representation or petition ("Pin-cheng").

ARTICLE IX.

Appointment of Consular Officers.

His Most Faithful Majesty the King of Portugal and the Algarves may appoint Consuls-General, Consuls, Vice-Consuls, or Consular Agents in the ports or other places where it is allowed to other nations to have them. These functionaries will have powers and attributions similar to those of the Consuls of other nations, and will enjoy all the exemptions, privileges, and immunities which at any time the Consular functionaries of the most-favoured nation may enjoy.

The Consuls and the local authorities will show to each other reciprocal civilities, and correspond with each other on terms of perfect equality.

Rank of Consular Officers with Chinese Officials.

The Consuls and Acting Consuls will rank with Tao-tais; Vice-Consuls, Acting Vice-Consuls, Consular Agents, and Interpreter-translators, with Prefects.

Consuls not to be Merchants.

The Consuls must be officials of the Portuguese Government, and not merchants.

Consuls of other Nations may act as Portuguese Consuls.

The Chinese Government will make no objection in case the Portuguese Government should deem it unnecessary to appoint an official consult at any port and choose to intrust a Consul of some other nation, for the time being, with the duties of Portuguese Consul at that port.

ARTICLE X.

Rights and Privileges of Portuguese Subjects, &c., in China.

All the immunities and privileges, as well as all the advantages concerning commerce and navigation, such as any reduction in the duties of navigation, importation, exportation, transit, or any other which may have been or may be hereafter granted by China to any other State or to its subjects, will be immediately extended to Portugal and its subjects.

Conditional Most-favoured-nation Treatment.

If any concession is granted by the Chinese Government to any foreign Government under special conditions, Portugal, on claiming the same concession for herself and for her own subjects, will equally assent to the conditions attached to it.

ARTICLE XI.

Residence and Trade at Open Ports.

Portuguese subjects are allowed to reside at, or frequent, the ports of China opened to foreign commerce, and there carry on trade or employ themselves freely.

Their boats may navigate without hindrance between the ports open to foreign commerce, and they may import and export their merchandise, enjoying all the rights and privileges enjoyed by the subjects of the most-favoured nation.

ARTICLE XII.

Import and Export Duties. Most-favoured-nation Treatment.

Portuguese subjects shall pay import and export duties on all merchandise according to the rates specified in the Tariff of 1858 adopted for all the other nations; and in no instance shall higher duties be exacted from them than those paid by the subjects of any other foreign nation.

ARTICLE XIII.

Hire of Boats by Portuguese Subjects. No Monopoly. Smuggling.

[Same as Great Britain, **No. 6,** Art. XIV.]

ARTICLE XIV.

Employment of Chinese by Portuguese Subjects.

Portuguese subjects residing in the open ports may take into their service Chinese subjects, and employ them in any lawful capacity in China without restraint or hindrance from the Chinese Government, but shall not engage them for foreign countries in contravention of the laws of China.

ARTICLE XV.

Protection of Persons and Property.

[Similar to Great Britain, **No. 6,** Art. XVIII, with the following addition:]

Similar protection will be given by Portuguese authorities to Chinese subjects in the Possessions of Portugal.

ARTICLE XVI.

Erection, &c., by Portuguese of Houses, Shops, Churches, Hospitals, Cemeteries, &c.

Whenever a Portuguese subject intends to build or open houses, shops, or warehouses, churches, hospitals, or cemeteries, at the Treaty Ports or at other places, the purchase, rent, or lease of these properties shall be made out according to the current terms of the place with equity, without exaction on either side, without offending against the usage of the people, and after due notice given by the proprietors to the local authority.

Shops or Warehouses not allowed in the Interior.

It is understood, however, that the shops or warehouses above mentioned shall only be allowed at the ports open to trade, but not at any place in the interior.

ARTICLE XVII.

Conveyance of Merchandise between Open Ports.

Portuguese subjects conveying merchandise between open ports shall be required to take certificates from the Superintendent of the Custom House, such as are specified in the regulations in force with reference to other nationalities.

Passports.

[Similar to Great Britain, **No. 6,** Art. IX, §§ 1 and 2.]

ARTICLE XVIII.

Pursuit of Pirates.

In the event of a Portuguese merchant-vessel being plundered by pirates or thieves within Chinese waters, the Chinese authorities

are to employ their utmost exertions to seize and punish the said robbers, and to recover the stolen goods, which, through the Consul, shall be restored to whom they belong.

ARTICLE XIX.

Wrecks.

[Similar to Great Britain, **No. 6**, Art. XX.]

ARTICLE XX.

Tonnage Dues on Vessels of more than 150 Tons.

Portuguese merchant-vessels of more than 150 tons burden will pay tonnage dues at the rate of 4 mace per ton; if of 150 tons and under, they shall be charged at the rate of 1 mace per ton. The Superintendent of the Customs shall grant a certificate declaring that the tonnage dues have been paid.

ARTICLE XXI.

Payment of Import and Export Duties.

Import duties shall be paid on the landing of goods, and export duties upon the shipment of the same.

ARTICLE XXII.

Duty to be paid on portion of Goods landed.

The captain of a Portuguese ship may, when he deems it convenient, land only a part of his cargo at one of the open ports paying the duties due on the portion landed; the duties on the remainder not being payable until they are landed at some other port.

ARTICLE XXIII.

Tonnage Dues. Exemption from Payment in certain Cases.

The master of a Portuguese ship has the option, within 48 hours of his arrival at any of the open ports of China, but not later, to decide whether he will leave the port without opening the hatches, and in such case he will not have to pay tonnage dues. He is bound, however, to give notice of his arrival for the legal registering as soon as he comes into port, under penalty of being fined in case of non-compliance within the term of two days. The ship will be subject to tonnage dues 48 hours after her arrival in port, but neither then nor at her departure shall any other impost whatsoever be exacted.

ARTICLE XXIV.

Exemption of small Vessels employed by Portuguese from payment of Tonnage Dues.

All small vessels employed by Portuguese subjects in carrying passengers, baggage, letters, provisions, or any other cargo which is

free of duty between the open ports of China shall be free from tonnage dues; but all such vessels carrying merchandise subject to duty shall pay tonnage dues every four months at the rate of 1 mace per ton.

ARTICLE XXV.

Pilots.

[Similar to Great Britain, **No. 6**, Art. XXXV.]

ARTICLE XXVI.

Custom House Guards.

[Similar to Great Britain, **No. 6**, Art. XXXVI.]

ARTICLE XXVII.

Liability of Vessels entering Port. Ships' Manifests and other Papers.

[Similar to Great Britain, **No. 6**, Art. XXXVII.]

ARTICLE XXVIII.

Discharging of Cargo.

[Similar to Great Britain, **No. 6**, Art. XXXVIII.]

ARTICLE XXIX.

Permits to Ship or Land Cargoes.

[Same as Great Britain, **No. 6**, Art. XXXIX.]

ARTICLE XXX.

Trans-shipments.

[Same as Great Britain, **No. 6**, Art. XL.]

ARTICLE XXXI.

Port-clearances.

[Similar to Great Britain, **No. 6**, Art. XLI.]

ARTICLE XXXII.

Mode of levying ad valorem *Duties.*

[Similar to Great Britain, **No. 6**, Art. XLII.]

ARTICLE XXXIII.

Mode of levying Duties on Goods.

[Similar to Great Britain, **No. 6**, Art. XLIII.]

ARTICLE XXXIV.

Reduction of Duty on Damaged Goods.

[Same as Great Britain, **No. 6**, Art. XLIV.]

ARTICLE XXXV.

Re-exportation of Duty-paid Goods. Drawbacks. Foreign Grain.

[Similar to Great Britain, **No. 6,** Art. XLV.]

ARTICLE XXXVI.

Prevention of Fraud and Smuggling.

[Same as Great Britain, **No. 6,** Art. XLVI.]

ARTICLE XXXVII.

Fines and Confiscations to belong to Chinese Government.

[Similar to Great Britain, **No. 6,** Art. XLIX.]

ARTICLE XXXVIII.

Portuguese Trade with the Interior.

Portuguese subjects carrying goods to a market in the interior of the country on which the lawful import duties have already been paid at any of the open ports, or those who buy native produce in the interior to bring to the ports on the Yang-tsze-Kiang, or to send to foreign ports, shall follow the regulations adopted towards other nations.

Custom House officers who do not comply with the regulations, or who may exact more duties than are due, shall be punished according to the Chinese laws.

ARTICLE XXXIX.

Lighthouses, Buoys, and Light-ships.

[Similar to Great Britain, **No. 6,** Art. XXXII.]

ARTICLE XL.

Payment of Duties in Sycee or Foreign Coin.

[Same as Great Britain, **No. 6,** Art. XXXIII.]

ARTICLE XLI.

Standard Weights and Measures to be deposited at each Consulate.

[Similar to Great Britain, **No. 6,** Art. XXXIV.]

ARTICLE XLII.

Confiscation of Vessels trading with non-open Ports.

Portuguese merchant ships may resort only to those ports of China which are declared open to commerce. It is forbidden to them, except in the case of *force majeure* provided for in Article XIX, to enter into other ports, or to carry on a clandestine trade on the coast of China, and the transgressor of this order shall be subject to confiscation of his ship and cargo by the Chinese Government.

ARTICLE XLIII.

Trade from Port to Port or with Macao.

All Portuguese vessels despatched from one of the open ports of China to another, or to Macao, are entitled to a certificate of the Custom House, which will exempt them from paying new tonnage dues during the period of four months, reckoned from the date of clearance.

ARTICLE XLIV.

Punishment of Vessels found Smuggling.

[Similar to Great Britain, **No. 6,** Art. XLVIII.]

ARTICLE XLV.

Extradition of Criminals.

As regards the delivery of Portuguese and Chinese criminals with the exception of the Chinese criminals who take refuge in Macao, and for whose extradition the Governor of Macao will continue to follow the existing practice after the receipt of a due requisition from the Viceroy of the two Quangs, it is agreed that, in the Chinese ports open to foreign trade, the Chinese criminals who take refuge at the house or on board the ships of Portuguese subjects, shall be arrested and delivered to the Chinese authorities, on their applying to the Portuguese Consul, and likewise the Portuguese criminals who take refuge in China shall be arrested and delivered to the Portuguese authorities on their applying to the Chinese authorities, and by neither of the parties shall the criminals be harboured, nor shall there be delay in delivering them.

ARTICLE XLVI.

Duration and Revision of Treaty and Tariff.

[Same as Great Britain, **No. 6,** Art. XXVII.]

ARTICLE XLVII.

Consular Jurisdiction. Disputes between Portuguese.

All disputes arising between Portuguese subjects in China with regard to rights, either of property or person, shall be submitted to the jurisdiction of Portuguese authorities.

ARTICLE XLVIII.

Chinese Jurisdiction in Criminal Cases. Chinese against Portuguese.

Whenever Chinese subjects become guilty of any criminal act towards Portuguese subjects, the Portuguese authorities must report such acts to the Chinese authorities, in order that the guilty be tried according to the laws of China.

Consular Jurisdiction in Criminal Cases. Portuguese against Chinese.

If Portuguese subjects become guilty of any criminal act towards Chinese subjects, the Chinese authorities must report such acts to the Portuguese Consul in order that the guilty be tried according to the laws of Portugal.

ARTICLE XLIX.

Portuguese and Chinese fraudulent Debtors.

If any Chinese subject shall have become indebted to a Portuguese subject and withholds payment, or fraudulently absconds from his creditor, the Chinese authorities shall use all their efforts to apprehend him and to compel him to pay, the debt being previously proved, and the possibility of its payment ascertained.

The Portuguese authorities will likewise use their efforts to enforce the payment of any debt due by any Portuguese subject to a Chinese subject.

But in no case will the Portuguese Government or the Chinese Government be considered responsible for the debts of their subjects.

ARTICLE L.

Petitions to Chinese Authorities through Portuguese Consuls.

Whenever any Portuguese subject shall have to petition the Chinese authority of a district, he is to submit his statement beforehand to the Consul, who will cause the same to be forwarded should he see no impropriety in so doing; otherwise he will have it written out in other terms or decline to forward it. Likewise, when a Chinese subject shall have occasion to petition the Portuguese Consul, he will only be allowed to do so through the Chinese authority, who shall proceed in the same manner.

ARTICLE LI.

Disputes between Portuguese and Chinese. Consular Intervention.

Portuguese subjects who may have any complaint or claim against any Chinese subject shall lay the same before the Consul, who will take due cognizance of the case, and will use all his efforts to settle it amicably. Likewise, when a Chinese subject shall have occasion to complain of a Portuguese subject, the Consul will listen to his complaint, and will do what he possibly can to re-establish harmony between the two parties.

If, however, the dispute be of such a nature that it cannot be settled in that conciliatory way, the Portuguese Consul and Chinese authorities will hold a joint investigation of the case, and decide it with equity, applying each the laws of his own country according to the nationality of the defendant.

ARTICLE LII.

Religious Toleration.

The Catholic religion has for its essential object the leading of men to virtue. Persons teaching it and professing it shall alike be entitled to efficacious protection from Chinese authorities; nor shall such persons, pursuing peaceably their calling and not offending against the laws, be persecuted or interfered with.

ARTICLE LIII.

English Text of Treaty to be Authoritative.

In order to prevent for the future any discussion, and considering that the English language, among all foreign languages, is the most generally known in China, this Treaty, with the Special Convention appended to it, is written in Portuguese, Chinese, and English, and signed in six copies, two in each language. All these versions have the same sense and meaning, but if there should happen to be any divergence in the interpretation of the Portuguese and Chinese versions, the English text will be made use of to resolve the doubts that may have arisen.

ARTICLE LIV.

Ratifications

The present Treaty, with the Convention appended to it, shall be ratified by His Most Faithful Majesty the King of Portugal and the Algarves and His Imperial Majesty the Emperor of China.

The exchange of the ratifications shall be made, within the shortest possible time, at Tientsin, after which the Treaty, with the Convention appended, shall be printed and published in order that the functionaries and subjects of the two countries may have full knowledge of their stipulations and may fulfil them.

In faith whereof the respective Plenipotentiaries have signed the present Treaty, and have affixed their seals thereto.

Done at Peking this 1st day of the month of December, in the year of our Lord Jesus Christ 1887, corresponding with the Chinese date the 17th day of 10th moon of 13th year of Kwongsu.

(L.S.) THOMÁS DE SOUSA ROSA.
(L.S.) CH'ING.
(L.S.) SUN.

(No. 74.) *CONVENTION appended to the Treaty of Friendship and Commerce between Portugal and China of December* 1, 1887 *(Opium Trade of Macao). Signed at Peking, 1st December,* 1887.*

[Signed also in Portuguese and Chinese.]

It having been stipulated in Article IV of the Treaty of Amity and Commerce concluded between Portugal and China on the 1st day of the month of December, 1887 (**No. 73**), that a Convention shall be arranged between the two Contracting Parties in order to establish a basis of co-operation in collecting the revenue of opium exported from Macao to Chinese ports, the Undersigned, Thomás Rosa, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and the Algarves in Special Mission to China, and His Highness Prince Ch'ing, President of the Tsung-li-Yamên, and Sun, Minister of the Tsung-li-Yamên, and Senior Vice-President of the Board of Works, Minister Plenipotentiary of His Imperial Majesty the Emperor of China, have agreed on the following Convention in three Articles :—

ARTICLE I.

Portugal will enact a Law subjecting the opium trade of Macao to the following provision :—

1. No opium shall be imported into Macao in quantities less than one chest.

2. All opium imported into Macao must forthwith on arrival be reported to the competent department under a public functionary appointed by the Portuguese Government to superintend the importation and exportation of opium in Macao.

3. No opium imported into Macao shall be trans-shipped, landed, stored, removed from one store to another, or exported, without a permit issued by the Superintendent.

4. The importers and exporters of opium in Macao must keep a register according to the form furnished by the Government, showing with exactness and clearness the quantity of opium they have imported, the number of chests they have sold, to whom and to what place they were disposed of, and the quantity in stock.

5. Only the Macao opium farmer and persons licensed to sell opium at retail will be permitted to keep in their custody raw opium in quantities inferior to one chest.

6. Regulations framed to enforce in Macao the execution of this Law will be equivalent to those adopted in Hong Kong for similar purposes.†

* See also **No. 75.**

† Agreement of 11th September, 1886 (**No. 16**).

ARTICLE II.

Permits for the exportation of opium from Macao into Chinese ports after being issued shall be communicated by the Superintendent of Opium to the Commissioner of Customs at Kung-pac-uan.

ARTICLE III.

By mutual consent of both the High Contracting Parties, the stipulations of this Convention may be altered at any time.

In faith whereof the respective Plenipotentiaries have signed and sealed this Convention.

Peking, this 1st day of December, in the year of Our Lord Jesus Christ 1887, corresponding with the Chinese date the 17th day of 10th moon of 13th year of Kwongsu.

(L.S.) THOMÁS DE SOUSA ROSA.
(L.S.) CH'ING.
(L.S.) SUN.

(**No. 75.**) *AGREEMENT between Portugal and China respecting the Collection of the Duties on Opium. Signed at Peking, 1st December,* 1887.

[Signed also in Portuguese.]

THE basis of the co-operation to be given to China by Portugal in the collection of duties on opium conveyed from Macao to Chinese ports having been fixed by a Convention (**No. 74**) appended to the Treaty of Amity and Commerce concluded between China and Portugal on the 1st December, 1887 (**No. 73**), and it being now convenient to come to an understanding upon some points relating to the said co-operation, as well as to fix rules for the treatment of Chinese junks trading with Macao, Sir Robert Hart, K.C.M.G., Inspector-General of the Chinese Imperial Maritime Customs, provided with the necessary instructions from the Chinese Government, and Barnardo Pinheiro Correia de Mello, Secretary of the Special Mission of His Most Faithful Majesty in Peking, duly authorized by his Excellency Thomás de Sousa Rosa, Chief of the said Mission. have agreed on the following :—

ARTICLE I.

An office under a Commissioner appointed by the Foreign Inspectorate of the Chinese Imperial Maritime Customs shall be established at a convenient spot on Chinese territory for the sale of opium duty certificates, to be freely sold to Macao merchants,

and for such quantities of opium as they may require. The said Commissioner will also administer the Customs station near Macao.

ARTICLE II.

Opium accompanied by such certificates at the rate of not more than 110 taels per picul shall be free from all other imposts of every sort, and have all the benefits stipulated for by the Additional Article of the Chefoo Convention between China and Great Britain* on behalf of opium on which duty has been paid at one of the ports of China, and may be made up in sealed parcels at the option of the purchaser.

ARTICLE III.

The Commissioner of Customs responsible for the management of the Customs station shall investigate and settle any complaints made by the Chinese merchants of Macao against the Customs stations or revenue cruisers.

The Governor of Macao, if he deems it advisable, shall be entitled to send an officer of Macao to be present and assist in the investigation and decision. If, however, they do not agree, a reference may be made to the authorities at Peking for a joint decision.

ARTICLE IV.

Junks trading between Chinese ports and Macao and their cargoes shall not be subject to any dues or duties in excess of those leviable on junks and their cargoes trading between Chinese ports and Hong Kong, and no dues whatsoever shall be demanded from junks proceeding to Macao from ports in China, or coming from Macao to ports in China over and above the dues paid or payable at the ports of clearance or destination. Chinese produce which has paid customs duties and *li-kin* tax before entering Macao may be re-exported from Macao to Chinese ports without paying customs duties and *li-kin* tax again, and will be subject to the payment of only the tax named *hsiao-hao*.

In witness whereof this agreement has been written in Portuguese and English, and signed in duplicate at Peking, this the 1st day of December, 1887.

(L.S.) ROBERT HART, *Inspector-General of Chinese Imperial Maritime Customs.*

(L.S.) BERNARDO PINHEIRO CORREIA DE MELLO, *Secretary of His Most Faithful Majesty's Special Mission.*

[A Treaty of Commerce was signed between China and Portugal, at Shanghai, on the 11th November, 1904, but it has not yet been ratified or made public.]

* 18th July, 1885 (**No. 14**).

(No. 76.) *TREATY of Peace, Boundary, &c., between China and Russia. Signed in* 1689.*

[Here are given the names of the Plenipotentiaries.]

S'étant assemblés proche le bourg de Niptchoa, l'an vingt-huitième de Khang-hi,† durant la septième lune, avec les grands ambassadeurs plénipotentiaires Théodore, Alexioviez, Golowin, Okolnitz, et lieutenant de Branki, et ses compagnons, afin de réprimer l'insolence de certaines canailles (*sic*) qui, faisant des courses hors des limites de leurs terres pour y chasser, pillent, tuent, et excitent des troubles et des brouilleries ; comme aussi pour déterminer clairement et distinctement des bornes entre les deux empires de la Chine et de la Moscovie, et enfin pour établir une paix et une intelligence éternelles, nous sommes convenus, par un accord mutuel, des articles suivants.

ARTICLE I.

Boundary.

La rivière nommée Kerbetchi, qui est la plus proche de la rivière Chorna, appelée en tartare Ourouan, et qui se décharge dans le fleuve Saghalien-Oula, servira de bornes ‡ aux deux empires ; et cette longue chaîne de montagnes qui est au-dessous de la source de ladite rivière de Kerbetchi, et qui s'étend jusqu'à la mer Orientale, servira aussi de bornes entre les deux empires ; en sorte que toutes les rivières ruisseaux grands ou petits qui coulent de la partie méridionale de ces montagnes et vont se jeter dans le fleuve de Saghalien-Oula, et toutes les terres§ et pays qui sont au sud du sommet desdites montagnes appartiendront à l'empire de la Chine ; et que toutes les terres, pays, rivières et ruisseaux, qui sont de l'autre côté du sommet des autres montagnes s'étendant vers le nord, demeureront à l'empire de Moscovie, avec cette clause néanmoins que tout le pays qui est immédiatement entre ladite chaîne de montagnes et la rivière nommée Oudi demeurera indécis, jusqu'à

* From "Archives Diplomatiques," 1861, Tome 1. Ce traité est tiré de la "Description de la Chine," du P. Du Halde (édition de la Haye, 1736, t. IV, page 242). Il fut traduit du latin en français par le P. Gerbillon, jésuite français, qui, avec le P. Thomas Pereyra, jésuite portugais, furent chargés par le célèbre empereur Khang-hi d'accompagner les plénipotentiaires chinois dans la visite des frontières avec les envoyés russes, et de servir d'interprètes aux deux parties. Le traité qui fut conclu à la suite de longues négociations, dont le P. Gerbillon donne le récit détaillé, fut rédigé en double expédition, en latin, par lui et son confrère. La traduction qu'il en a faite lui-même en français peut donc être considérée comme fidèle et authentique. Le missionnaire, au surplus, la donne comme telle.

† Correspondant à 1689 de notre ère, selon Mailla ("Histoire générale de la Chine, t. XI, page 110), les Annales de cet empire placeraient la signature de ce traité à la vingt-septième année Khang-hi, c'est-à-dire à 1688. Les Annales de la dynastie chinoise régnante ne devant être imprimées et rendues publiques qu'après la fin de cette dynastie, comme c'est l'usage en Chine, la vérification de cette date nous est impossible.

‡ Ou plutôt de limite.

§ Territoires.

ce que les ambassadeurs des deux partis, étant retournés dans leur pays, ayant pris les informations et les connaissances nécessaires pour traiter de cet article, après quoi on décidera l'affaire, ou par des ambassadeurs ou par lettres.

De plus, la rivière nommée Ergoné, qui se décharge aussi dans le fleuve Sagahlien-Oula, servira de bornes entre les deux empires; en sorte que toutes les terres et pays qui sont au sud de ladite rivière d'Ergoné* appartiendront à l'empereur de la Chine; et tout ce qui est au nord demeurera à l'empire de Moscovie. Toutes les maisons et habitations qui sont présentement au sud de ladite rivière d'Ergoné, à l'embouchure de la rivière de Meritken, seront transportées de l'autre côté, sur le bord septentrional de l'Ergoné.

ARTICLE II.

Fortress built by Russians at Yacsa (Albazin) to be demolished.

La forteresse bâtie par les Moscovites, dans le lieu nommé Yacsa, sera entièrement démolie; et tous les sujets de l'empire de Moscovie, qui demeurent dans ladite forteresse, seront ramenés avec tous leurs effets sur les terres appartenant à la couronne de Moscovie.

Hunters and Thieves not to Cross the Frontier.

Les chasseurs des deux empires ne pourront, pour quelque cause que ce soit, passer au delà de ces bornes ainsi déterminées.

Offenders to be Punished.

Que s'il arrive qu'une ou deux personnes de petite conséquence (*sic*) fassent quelques excursions au delà des limites, soit pour chasser, soit pour voler ou piller, on les prendra aussitôt, et on les mènera aux gouverneurs et officiers établis sur les frontières des deux empires, et lesdits gouverneurs, informés de la qualité du crime, les puniront comme ils le mériteront.

Que si des gens, assemblés jusqu'au nombre de dix ou de quinze, vont en armes chasser ou piller sur les terres qui sont au delà de leurs limites; ou s'ils tuent quelques sujets de l'autre couronne, on en informera les empereurs des deux empires, et tous ceux qui seront trouvés coupables de ce crime seront punis de mort; et on ne suscitera point de guerre pour quelque excès que ce puisse être de personnes particulières; beaucoup moins agira-t-on par voie de fait en répandant du sang.

ARTICLE III.

Past Events to be Buried in Oblivion.

Tout ce qui s'est passé jusqu'à présent, de quelque nature qu'il puisse être, sera enseveli dans un éternel oubli.

* L'Argonn.

ARTICLE IV.

Surrender of Fugitives and Deserters.

Depuis le jour où cette paix éternelle entre les deux empires aura été jurée, on ne recevra plus aucun transfuge ou déserteur, de part ni d'autre. Mais si quelque sujet d'un des deux empires s'enfuit dans les terres de l'autre, il sera aussitôt pris et renvoyé.

ARTICLE V.

Subjects of either Empire to remain in Territory of the other.

Tous les sujets de la couronne de Moscovie qui sont présentement dans l'empire de la Chine ; et tous ceux de la couronne de la Chine qui sont présentement dans l'empire de Moscovie, demeureront dans l'État où ils sont.

ARTICLE VI.

Right to Travel, with Passports, and to Trade.

Ayant égard au présent traité de paix et d'union réciproque entre les deux couronnes, toutes sortes de personnes, de quelque condition qu'elles puissent être, pourront aller et venir réciproquement avec toute sorte de liberté, des terres sujettes à l'un des deux empires dans celles de l'autre, pourvu qu'ils aient des patentes par lesquelles ils constatent qu'ils viennent avec permission ; et il leur sera permis de vendre et d'acheter tout ce qu'ils jugeront à propos, et de faire un commerce réciproque.

[Le contenu de ce traité fut effectivement gravé en langues russe, latine, chinoise, mandchoue et mongole, sur une colonne en pierre érigée à l'orient de l'embouchure du grand Gerbitsi, sur la gauche du fleuve Amour.]

(No. 77.) *TREATY of Peace, Boundaries, &c., between China and Russia. Signed 21st October,* 1727.

Traité de Paix entre la Chine et la Russie, signé et proclamé à la Frontière Chinoise le 21 *Octobre,* 1727, *et ratifié au nom de l'Empereur Pierre II, le* 14 *Juin,* 1728.*

[Here are given the names of the Plenipotentiaries.]

ARTICLE I.

Peace.

Le présent traité a été conclu pour la conservation éternelle de la paix entre les deux empires. Il est donc convenu que, de ce jour

* From "Archives Diplomatiques," 1861, Tome 1. Traduit sur l'original mandchou, et publié avec le texte mandchou par Klaproth dans sa "Chrestomathie mandchoue." Paris, 1828.

Martens says (N.S., Tome I, Pages, 711, 1839) "This Treaty was concluded in the name of the Empress Catherine Alexieuria (whose death was not then known), and was ratified in the name of the Emperor, Peter II., 14th June, 1728 ; and that the ratifications were exchanged near the Border of Kiachta (près des bords)."

chaque empire doit gouverner et surveiller avec soin ses sujets. En vertu de la paix conclue, il maintiendra et gardera rigoureusement les siens, afin d'empêcher ce qui pourrait donner lieu à des disputes.

ARTICLE II.

Surrender of Fugitives.

Ce traité de paix actuel, renouvelé et conclu entre les deux empires, veut qu'il ne soit plus question de ce qui est arrivé antérieurement entre les deux puissances.

Les transfuges précédents ne seront pas redemandés, et ils resteront dans l'empire où ils se trouvent; mais ceux qui passeront dorénavant la frontière ne pourront, sous aucun prétexte, être retenus. Il faut, au contraire, les chercher sans délai, pour les prendre et les ramener aux autorités des frontières respectives.

ARTICLE III.

Boundaries.

Les grands de l'empire du Milieu et le comte illyrien Sawa Wladislawitche, ambassadeur de l'empire des Oros, jugèrent que l'objet principal de leurs travaux était la fixation de la frontière des deux empires; mais qu'il serait impossible de la régler avec exactitude, si l'on n'inspectait pas scrupuleusement le terrain. Dans ce but:

La comte illyrien Sawa Wladislawitche, ambassadeur de l'empire des Oros, se rendit lui-même à la frontière avec Tsereng, adjudant général de l'empire du Milieu, Doroï-giyôn, vice-roi de plusieurs tribus mongoles et beau-fils de l'empereur.

Be-szuge, commandant de la garde impériale, et

Toulichin, vice-président du ministre de la guerre.

Ils s'accordèrent de la manière suivante sur les endroits par lesquels la frontière devait passer. Le pays situé entre le corps de garde de l'empire des Oros, auprès du ruisseau de Kiaktou et l'Obo (monceau de pierres qui sert de signal) de l'empire du Milieu, situé sur le haut du mont Orkhoïtou, doit être également partagé, et l'on doit y élever un (autre) Obo qui servira comme marque de la frontière. Au même endroit on doit aussi établir l'entrepôt de commerce et y expédier des commissaires.

De ce lieu à l'est la frontière passe sur la crête de Bourgouteï, jusqu'au corps de garde de Kiran. Après le corps de garde de Kiran, sont Tsikteï, Arou-Kidoure et Arou-Khandangsou; la frontière se dirige par ces quatre corps de gardes en ligne droite, le long de la rivière de Tchoukou (Tchikoï), d'Arou-Khadangsou, jusqu'au signal du corps de garde Mongol Tsagan-Oola (montagne blanche). Le désert, entre le pays habité par les sujets de l'empire des Oros, et entre les signaux des corps de gardes Mongols de l'empire du Milieu sera partagé également comme à Kiaktou. Là où il y a, dans le

voisinage du pays habité par les sujets de l'empire des Oros, des montagnes, des sommets de montagnes et des rivières, ils serviront à déterminer la limite ; et là où les montagnes et des rivières sont dans le voisinage des corps de garde Mongols, elles seront pareillement choisies pour déterminer la limite. Mais là où il n'y a que de vastes plaines, sans montagnes, ni rivières, on les a partagées également, et l'on a érigé au milieu des marques pour fixer la frontière, qui a été ainsi établie depuis le signal du corps de garde de Tsagan-Oola, jusqu'aux bords de la rivière d'Ergoune (Argoun).

Les envoyés des deux empires, pour inspecter les lieux situés en dehors du signal du corps de garde Mongol de Tsagan-Oola, convinrent de conduire la frontière, des deux signaux du milieu élevés à Kiaktou et sur le mont Orkhoïtou, à l'ouest, par les lieux suivants : Par les monts Orkhoïtou, Toumen, Koudchoukhoun, Bitsiktou, Kochogo ou Kochonggo,* &c.

Le milieu de cette chaîne de montagnes également partagée fut admis comme limite. Là où il y a des montagnes et des rivières au milieu, elles ont été également partagées, de manière qu'actuellement, depuis le Chabinaï-Dabagan jusqu'aux bords de la rivière d'Ergoune, tout ce qui est au sud (de la nouvelle frontière) appartient à l'empire du Milieu et le côté septentrional à l'empire des Oros.

Après avoir terminé la division du pays et en avoir rédigé une description et une carte exactes, les deux parties échangèrent réciproquement ces descriptions. On les remit aux grands des deux empires. Les sujets des deux États qui se trouvèrent sans permission au delà de la frontière déterminée, et qui y avaient établi leur habitation, furent recherchés et reconduits dans leur pays. La même chose eut lieu pour les vagabonds, de manière que la frontière en a été totalement purgée.

Les Ouriyangkhaï des deux côtés, qui donnèrent cinq zibelines de tribut, restèrent à leurs anciens maîtres ; mais ceux qui jusqu'alors n'avaient donné qu'une zibeline, en furent exemptés pour l'avenir et du jour de la conclusion de ce Traité. Pour la conformité on a rédigé, des deux côtés, un procès-verbal qui a été échangé réciproquement.

ARTICLE IV.

Freedom of Commerce.

Maintenant que la fixation de la frontière des deux empires est déterminée, et qu'aucun transfuge ne peut plus être admis, il est convenu avec le comte illyrien Sawa Wladislawitche, ambassadeur de l'empire des Oros, d'établir un libre commerce entre les deux États.

Number of Merchants to be admitted to Peking.

Le nombre des négociants qui peuvent aller tous les trois ans à Péking, ne doit pas dépasser deux cents, comme il a été fixé anté-

* Il y a ici une nomenclature considérable de noms de lieux mandchoux ou mongols que nous croyons inutile de reproduire.

rieurement. Quand ce ne seront que des commerçants, ils ne seront plus entretenus comme autrefois ; mais on n'exigera aucun impôt ou taxe ni du vendeur, ni de l'acheteur.

Regulations respecting Russian Merchants.

Quand ces négociants arriveront à la frontière, ils devront en donner l'avis par écrit. Après la réception de cet avis, on expédiera un officier pour les recevoir et les accompagner à cause du commerce. S'ils achètent, pendant le voyage, des chameaux, des chevaux et des vivres, ou s'ils louent des domestiques, ils les doivent acheter à leurs dépens. Les négociants seront sous les ordres d'un chef chargé de soigner leurs affaires ; et s'il survient des différends entre eux, ce sera lui qui les réglera. Si ce chef des négociants est un homme d'un haut rang, il sera reçu et traité conformément à son rang. Toute espèce de marchandises peut être vendue, excepté celles que les lois des deux empires défendent. On ne permettra à qui que ce soit de rester secrètement et sans la permission de son chef dans le pays étranger. Si quelqu'un meurt, tous ses biens, de quelque nature qu'ils soient, seront remis aux gens de son pays, comme il a été convenu avec l'ambassadeur des Oros, le comte illyrien Sawa Wladislawitche. Outre le commerce fait par les caravanes des deux empires, on établira encore, sur les frontières réciproques auprès de Kiaktou, du Selingga et de Nibtchoo (Nertchinsk), des maisons pour le commerce ordinaire qui, selon qu'on le jugera nécessaire, seront entourées de haies et de palissades. Ceux qui se rendent à ces lieux pour faire le commerce, doivent exactement suivre la route directe. Si quelqu'un d'eux s'éloigne de cette route pour faire le commerce en d'autres lieux, toutes ses marchandises seront confisquées au profit du gouvernement. On installera des deux côtés un nombre égal d'officiers, placés sous les ordres de chefs d'un rang égal, et chargés de protéger ces lieux. Les différends seront accommodés de la manière convenue avec l'ambassadeur de l'empire des Oros, le comte illyrien Sawa Wladislawitche.

ARTICLE V.

Affairs of the Oros ; their Religion, &c.

L'habitation des Oros dans la capitale (Péking) servira dorénavant à loger les voyageurs russes. Sur la demande du comte illyrien Sawa Wladislawitche, ambassadeur de l'empire des Oros, et avec l'assistance des grands de l'empire du Milieu, qui soignent les affaires des Oros, on a construit un temple auprès de cette habitation. Le prêtre (lamâ), qui réside dans la capitale, y logera avec trois autres prêtres pour l'assister. Lorsque ceux-ci arriveront, ils seront entretenus comme leurs prédécesseurs et employés audit temple. Il sera permis aux Oros d'exercer leur culte avec toutes ses cérémonies et de réciter leurs prières. Quatre jeunes Oros, sachant la langue et l'écriture russe et latine, et deux autres

plus âgés, que le comte illyrien Sawa Wladislawitche, ambassadeur de l'empire des Oros, a laissés dans la capitale pour apprendre la langue Chinoise, doivent demeurer dans ce même lieu. Leur entretien sera payé par le gouvernement; et lorsqu'ils auront achevé leurs études ils pourront retourner dans leur pays

ARTICLE VI.

Correspondence of the Oros, relating to Commerce, Deserters, and Thieves.

Quant à la correspondance entre les deux empires, il est très nécessaire que les lettres soient munies d'un cachet. Le tribunal des affaires des provinces extérieures est chargé d'expédier au tribunal du sénat des Oros, les lettres de l'empire du Milieu pour l'empire des Oros, après y avoir mis le sceau. Les lettres de l'empire des Oros, pour l'empire du Milieu doivent être expédiées au tribunal des provinces extérieures, et munies du sceau de l'empire des Oros ou du cachet du gouverneur de la ville de Tobolsk. Tous les papiers relatifs à la frontière ou aux entrepôts de commerce, et concernant les déserteurs ou les vols, doivent être signés et cachetés par le Tousiyetou khan Wajal dordzi, et le Wang Dandzin dordzi s'ils viennent de l'empire du Milieu; et par les commandants des villes limitrophes, s'ils viennent de l'empire des Oros. La correspondance réciproque entre le Tousiyetou khan (des Kalkas) Wajal dordzi, et le Wang Dandzin dordzi avec les Oros, doit se faire par des hommes envoyés exprès et seulement par la route de Kiaktou. Cependant il est permis de prendre le chemin le plus court s'il s'agit d'une affaire de haute importance. En cas de contravention à ce règlement, le Wang (vice-roi) de frontière et le commandant des villes des Oros doivent s'en informer réciproquement, et, après avoir examiné le délit, punir chacun ses coupables.

ARTICLE VII.

Affairs of the Oros. Places situated near the Oud and other Rivers.

Quant aux lieux limitrophes, situés près de la rivière d'Oud et autres, ils ont déjà été l'objet d'une négociation entre le grand de l'intérieur Sounggoutou et Fioo-dor Aliyeksiyei (Féodor Alexiewitche Golowin). Ces pays resteront à présent indéterminés entre les deux parties; mais ils seront réglés ultérieurement par des ambassadeurs ou par correspondance. A cette occasion, on a dit au comte illyrien Sawa Wladislawitche, ambassadeur de l'empire des Oros: "Puisque tu as été envoyé comme plénipotentiaire de ton impératrice pour régler toutes les affaires, nous devons aussi arrêter quelque chose sur ce point. Actuellement vos sujets passent souvent la frontière pour aller dans la contrée appelée Khinggan Tougourik, et si, par conséquent, nous ne prenons pas une décision là-dessus pendant cette négociation, il est à craindre que cela n'excite des différends entre les sujets limitrophes. De

semblables différends étant opposés au contenu du Traité de Paix entre les deux empires, nous devons arranger cette affaire dans le moment même." L'ambassadeur de l'empire des Oros, le comte illyrien Sawa Wladislawitche, répondit: "Mon Impératrice ne m'a pas chargé de négocier sur les pays situés vers l'est. On n'a pas une connaissance assez exacte de ces contrées: il faut donc que tout reste comme il a été fixé autrefois; mais pour empêcher que personne de nos sujets ne dépasse la frontière, je le défendrai pour l'avenir." Les nôtres répliquèrent: "Si ton impératrice ne t'a pas chargé de négocier sur les contrées à l'est, nous n'en parlerons plus, et il faut laisser les choses comme elles sont. Mais, après ton retour, interdis à vos sujets de dépasser la frontière; car si quelqu'un était saisi par les nôtres en venant sur notre territoire, nous le punirions. Alors vous ne pourriez dire que nous avons violé le Traité de Paix. Si, au contraire, quelqu'un de nos sujets dépasse votre frontière, vous aurez également le droit de le punir; enfin, puisque rien n'est décidé sur la rivière d'Oud et les cantons qui l'avoisinent, ils resteront comme auparavant; mais vos sujets ne doivent pas s'établir plus près qu'ils ne le sont à présent.

"Aussitôt que l'ambassadeur de l'empire des Oros, le comte illyrien Sawa Wladislawitche, sera de retour, il exposera tout cela à son impératrice. Il faut alors y envoyer des gens qui aient des connaissances locales de tous ces lieux pour les inspecter; car il serait très-bien de pouvoir prendre une décision là-dessus, attendu que si cette affaire, peu importante en elle-même, n'était pas réglée, elle pourrait devenir nuisible à la bonne intelligence entre les deux empires. Outre cela, on a rédigée encore un procès-verbal sur cet objet, lequel a été envoyé à votre sénat.

ARTICLE VIII.

Commandants on Frontiers to act as Judges.

Les commandants des frontières des deux empires doivent décider, d'après les lois de justice, et sans délai, toutes les affaires; et s'ils les traînent en longueur pour leur propre intérêt, chaque empire doit les punir d'après ses lois.

ARTICLE IX.

Reception of Chargés d'Affaires.

Si, d'un côté ou de l'autre, on envoie de grands ou de petits chargés d'affaires, ils doivent se rendre préalablement à la frontière, et donner avis de leur mission et de leur rang. Il ne faut pas les retenir longtemps à la frontière, et l'on doit y envoyer quelqu'un pour les recevoir. Après la réception d'une lettre d'invitation, on leur donnera à chaque relais des vivres, et on les recevra avec respect. A leur arrivée, ils seront logés et défrayés; s'ils viennent dans une année pendant laquelle le commerce n'est pas permis, ils ne doivent pas apporter de marchandises.

Treatment of Couriers.

Si, pour quelques affaires importantes, on envoie un ou deux courriers, ils doivent présenter leurs papiers aux officiers de la frontière, qui leur fourniront des chevaux de relais, des conducteurs et des vivres, sans qu'ils aient besoin d'en donner l'avis préalable : le tout comme il a été convenu avec l'ambassadeur de l'empire des Oros, le comte illyrien Sawa Wladislawitche.

Correspondence. Refusal to receive Ambassadors or Merchants if treated with disrespect.

La correspondance par lettres et par messagers entre les deux empires étant de la plus haute importance, elle ne doit souffrir aucun retard. Si donc, à l'avenir, on ne répond pas aux lettres envoyées, et si l'on retient inutilement les messagers, ce sera agir contre le contenu du Traité de Paix. Dans ce cas, on ne recevra plus ni les ambassadeurs, ni les négociants, jusqu'à ce que de pareilles difficultés soient terminées ; alors seulement on leur permettra le passage.

ARTICLE X.*

Punishment for Frontier Crimes and Offences. Thieves and Deserters.

Les sujets des deux empires qui s'enfuiront dorénavant seront punis de mort au lieu même où ils auront été arrêtés. Les sujets armés qui passent la frontière sans commettre des assassinats ou des brigandages, mais sans passe-ports, seront également punis conformément à leur crime. Les soldats qui désertent et volent leur maître auront la tête tranchée s'ils sont sujets de l'empire du Milieu ; s'ils sont de l'empire des Oros, ils seront étranglés, et les choses volées rendues au commandant ou à son gouvernement. Ceux qui passent la frontière et qui volent des chameaux ou d'autre bétail seront remis à leurs juges naturels, qui les condamneront à payer dix fois la valeur des choses volées ; en cas de récidive, vingt fois autant ; à la troisième fois, ils seront punis de mort. Celui qui passe la frontière pour chasser à son profit dans les environs sera puni conformément au délit, et le butin remis au gouvernement. Le bas peuple qui passe la frontière sans passe-port sera également puni comme il a été convenu avec l'ambassadeur de l'empire des Oros, le comte illyrien Sawa Wladislawitche.

ARTICLE XI.

Language of Treaty.

Ce Traité de Paix conclu entre les deux empires a été échangé de la manière suivante : L'ambassadeur de l'empire des Oros, le comte illyrien Sawa Wladislawitche, remit une copie en langue

* Altered by Supplementary Treaty of 18th October, 1768 (**No. 78**).

Russe et Latine, munie et confirmée par un sceau, aux grands de l'empire du Milieu ; et les grands de l'empire du Milieu remirent au comte illyrien Sawa Wladislawitche, ambassadeur de l'empire des Oros, une autre copie en langues Mandchoue, Russe et Latine. Ce Traité a été exactement imprimé et distribué à tous les employés de frontière, afin que son contenu soit généralement connu.

Le septième jour de la septième lune de la cinquième des années de la *droiture perpétuelle** (Young-tching).

(No. 78.) *TREATY between China and Russia amending Art. X of the Treaty of* 21 *October*, 1727, *relating to Frontier Offences. Signed* 18*th October*, 1768 (*old style*).†

[Here are given the names of the Plenipotentiaries.]

Ceux-ci, après avoir délibéré ensemble, sont convenus de ce qui suit :

Modification of Treaty of 21*st October*, 1727.

Quoique les onze Articles du Traité de Paix (**No. 77**) doivent être maintenus éternellement invariables, on a cependant trouvé nécessaire d'ôter les chevaux de frise (khaskhan) russes du voisinage du mont Bourgoutai, à Bitsiktou, Kochou et autres lieux, pour conduire la frontière sur le dos des montagnes ; mais tout restera comme il a été fixé antérieurement près des deux dépôts de commerce Kiaktou et Tsourkhaïtou, où l'on ne paye aucun droit d'entrée. Des erreurs s'étant glissées dans les exemplaires russe et latin du Traité de Paix, et plusieurs points essentiels ayant été oubliés, on a jugé à propos de les corriger et rectifier. De plus, les discussions qui ont eu lieu entre les deux puissances seront vouées à l'oubli, et les transfuges ne seront pas redemandés. Ce qui avait été statué dans le dixième Article de la précédente Convention, concernant la manière d'empêcher les vols et la désertion parmi les sujets limitrophes et respectifs, paraissait trop équivoque et indéterminé. On a donc rejeté entièrement le dixième Article de la Convention, lequel a été rédigé de nouveau et érigé en loi, qui doit être observé à la place de l'ancien. D'après la présente Convention, chaque partie doit veiller dorénavant sur les sujets, afin que de pareilles choses n'arrivent plus. Si, à l'assemblée nouvelle qui doit avoir lieu à la frontière, on donne avis de vestiges découverts et d'autres accidents semblables, les commandants de frontière seront tenus de les examiner sans délai et avec loyauté. Si, au contraire, guidés par leur propre intérêt, ils négligeaient leur devoir, chaque partie doit

* From "Archives Diplomatiques," 1861, Tome 1. "C'est-à-dire le 21 Octobre, 1727."

† "Mémoires relatifs à l'Asie," par Klaproth, Tome I. Page 45 et suiv. See also another version in Martens' N.S., Tome, I. Page 75.

les punir d'après ses propres lois. Quant à la recherche, à l'arrestation des brigands et à la punition de ceux qui passent illicitement la frontière, on a rédigé et fixé les clauses suivantes.

ARTICLE X.

Frontier Armies. Brigandage. Punishment of Marauders and Thieves.

Les hommes armés qui passent la frontière à côté d'un des corps de garde pour se livrer au brigandage, soit qu'ils commettent des assassinats ou non, doivent être arrêtés et gardés exactement jusqu'à ce qu'ils aient avoué de quel corps de garde ils sont venus et s'ils étaient seuls ou plusieurs. Après qu'ils auront subi un interrogatoire rigoureux au corps de garde même, on doit écrire les noms des brigands non saisis et les notifier à chaque corps de garde, et principalement au premier Taïdzi, supérieur du Dchasak, et aux commandants des Oros (Russes). Les chefs du Dchasak doivent se rendre aussitôt sur les lieux mêmes pour examiner scrupuleusement l'affaire avec ceux-ci et pour faire sans délai un rapport, qui doit être expédié à l'endroit où l'on décide les affaires des frontières. De là il faut de suite envoyer un homme loyal et de distinction au corps de garde, qui se réunira aux chefs du Dchasak pour l'examen de l'affaire en question ; après quoi il enverra son rapport à l'endroit où l'on juge les affaires des frontières. Les sujets de l'empire du Milieu (la Chine) qui auront commis des brigandages seront remis, sans distinction des personnes, au tribunal qui gouverne les provinces extérieures pour être punis de mort, et les sujets Oros (Russes) seront remis au sénat pour souffrir la même peine. Les assassins seront conduits à la frontière pour y être publiquement exécutés. Le cheval, la selle, les armes et tout l'équipage du brigand seront donnés, comme récompense, à celui qui l'aura arrêté. Ceux qui volent des chevaux, des bestiaux et autres choses, pour la première fois, seront condamnés à payer dix fois la valeur des choses volées. Si le voleur n'est pas saisi, les commandants des corps de garde réciproques doivent se rassembler pour examiner le crime, les blessures et le corps de ceux qui ont été assassinés et en rédiger un procès-verbal. Le commandant du corps de garde sera tenu d'arrêter les voleurs, au plus tard, dans un mois. Si le voleur n'est pas saisi pendant cet intervalle de temps, on doit faire un rapport aux endroits respectifs où l'on décide les affaires des frontières. Alors les commandants des corps de garde et les soldats qui n'ont pas fait leur devoir dans la recherche des chevaux et des objets volés seront punis eux-mêmes en payant dix fois la valeur des choses volées. Si on arrête des gens non armés, qui ont passé la frontière pour commettre secrètement des vols, ils seront punis, d'après la loi, de cent coups. Le cheval du voleur, avec la selle, sera donné, comme récompense, à ceux qui l'auront arrêté. Les choses volées

seront rendues. La première fois, le voleur payera cinq fois la valeur de ces choses, la seconde, dix fois, et pour le troisième fois, il sera traité comme brigand. Si de tels voleurs ne sont pas arrêtés, on doit rédiger au corps de garde auprès duquel le délit a été commis un procès-verbal authentique et ordonner au commandant et aux soldats des corps de garde d'arrêter le criminel dans l'espace d'un mois. Lorsqu'il aura été saisi, il recevra publiquement cent coups, et les chevaux et les autres objets volés seront rendus sans délai. Si les commandants des corps de garde et les soldats ne trouvent et n'arrêtent pas dans le temps prescrit les voleurs non armés, la valeur des chevaux et des objets volés doit être cinq fois restituée par ces commandants et ces soldats qui n'ont pas rempli leur devoir.

Restitution of Animals escaping across the Frontier.

Quand on trouve des chevaux et d'autres animaux égarés qui auront passé la frontière, ils seront de suite rendus au corps de garde le plus prochain ; si on ne les retrouve pas, on doit en dresser un procès-verbal, dans lequel on les signalera exactement. Les chevaux et animaux égarés seront alors rendus dans l'espace de cinq jours. Ce terme écoulé, si les animaux trouvés n'ont pas été rendus, ou s'ils ont été cachés quelque part, le lieu où sont quelques-uns de ces chevaux et animaux égarés étant connu, les commandants des corps de garde réciproques doivent en faire leur rapport et l'expédier à l'endroit où l'on juge les affaires des frontières. A la remise de ces objets ils seront obligés d'en rendre le double du nombre.

Punishment of Armed and Unarmed Persons Crossing the Frontier without Passports.

Des gens armés, et non munis de passe-port, qui franchissent la frontière sans commettre ni vols ni assassinats, doivent être arrêtés. On donnera leurs chevaux, selles et équipages, comme récompense, à ceux qui les auront saisis. Si de telles gens ont passé la frontière pour chasser, ils seront, d'après la loi, punis publiquement de cent coups. Le butin, leurs armes, chevaux et équipages seront donnés pareillement, comme une récompense, à ceux qui les auront arrêtés. Si on arrête des gens sans armes, qui auront passé la frontière, le Commandant du Corps de Garde doit les interroger scrupuleusement. S'ils se sont trompés de chemin, il faut les relâcher sans délai et les remettre, le plus tôt possible, au poste de l'autre côté. Si l'on trouve des gens cachés dans les forêts et les montagnes inaccessibles, et si on les saisit, ils seront d'après la loi, publiquement punis de cent coups ; leurs chevaux, selles et équipages seront donnés, comme une récompense méritée à ceux qui les auront arrêtés.

Tous les criminels de l'Empire du Milieu (la Chine) condamnés à des punitions corporelles seront fouettés, et ceux de l'Empire des Oros (Russes) battus à coups de verges.

Language of Treaty.

La Convention actuellement conclue a été échangée de la manière suivant : les grands de l'Empire du Milieu en remirent un exemplaire en langues Mandchoue et Mongole, muni du sceau, au Commissaire Plénipotentiaire des Oros ; et celui-ci remit aux grands de l'Empire du Milieu un autre exemplaire en langue des Oros (Russe) et pareillement muni du sceau.

Pour la rendre généralement connue, on doit distribuer des copies imprimées de cette transaction aux sujets limitrophes des deux côtés.

L'année 33e d'*Abkai wekhiyekhe*,* le 19e jour de la 9e lune (18 Octobre, 1768).

(No. 79.) *TREATY of Commerce between Russia and China. Trade between Ili and Tarbagataï. Signed at Kouldja, 25th July,* 1851.

[Ratified by the Emperor of Russia, November 13, 1851.]

Le Plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies et les Plénipotentiaires de Sa Majesté le Bogdokhan du Ta-Tsing, savoir : le Gouverneur-Général de l'Ili et d'autres provinces, ainsi que son adjoint, ont, après avoir conféré ensemble, conclu dans la ville d'Ili (Kouldja), en faveur des sujets des deux empires, un Traité de Commerce qui établit un trafic dans les villes d'Ili (Kouldja), et de Tarbagataï (Tchougoutchak). Ce Traité se compose des Articles qui suivent :

ARTICLE I.

Peace and Friendship.

Le présent Traité de Commerce, conclu dans l'intêret des deux Puissances, en témoignant de leur sollicitude pour le maintien de la paix ainsi que pour le bien-être de leurs sujets, doit resserrer encore davantage les liens d'amitié qui unissent les deux Puissances.

ARTICLE II.

Freedom of Commerce.

Les marchands des deux Empires feront entre eux le commerce d'échange et régleront les prix librement et à leur gré.

Appointment of Russian Consuls and Chinese Functionaries.

Il sera nommé, pour surveiller les affaires des sujets Russes, un Consul de la part de la Russie, et pour les affaires des commerçants Chinois, un fonctionnaire de l'administration supérieure de l'Ili.

* En chinois " Khianloung."

Disputes between Chinese and Russians to be decided by these Agents.

En cas de collision entre les sujets de l'une et de l'autre Puissance, chacun de ces agents décidera selon toute justice les affaires de ses nationaux.

ARTICLE III.

Freedom of Commerce from all Duties.

Ce commerce étant ouvert en considération de l'amitié mutuelle des deux Puissances, ne sera passible de part ni d'autre d'aucun droit quelconque.

ARTICLE IV.

Russian Merchants going to Ili or to Tarbagataï to be accompanied by a Syndic; Caravans to be escorted by Chinese Troops.

Les marchands Russes allant soit à Ili (Kouldja), soit à Tarbagataï (Tchougoutchak), seront accompagnés d'un syndic (karavanbascha). Lorsqu'une caravane allant à Ili arrivera au piquet Chinois de Boro-khoudjir, et que celle destinée pour Tarbagataï (Tchougoutchak) atteindra le premier piquet Chinois, le syndic présentera à l'officier de garde le billet de son Gouvernement. Ledit officier, après avoir pris note du nombre d'hommes, de bestiaux et de charges de marchandises, laissera passer la caravane en la faisant escorter, de piquet en piquet, par un officier et des soldats. Pendant la marche, toute vexation ou offense sera interdite aux soldats comme aux marchands.

ARTICLE V.

Russian Merchants to follow the Road kept by Guard-houses.

Pour faciliter le service des escortes d'officiers et de soldats, les marchands Russes seront obligés, en vertu du présent Traité, de suivre la route des corps de garde, tant en allant qu'à leur retour.

ARTICLE VI.

Chinese Government not responsible for Acts of Brigandage if committed on Roads not occupied by Troops.

Si, pendant que les caravanes Russes suivront leur route en dehors de la ligne des corps de garde Chinois, les bandes de pillards des aoûls extérieurs (Kirghises) commettaient des actes de brigandage, d'agression ou d'autres crimes, le Gouvernement Chinois n'aura point à intervenir dans l'enquête à laquelle cela donnerait lieu.

Russian Merchants to guard and defend their own Property.

Lorsque la caravane sera arrivée sur territoire Chinois, de même que pendant le séjour dans les factoreries où les marchandises sont déposées, les marchands Russes devront garder et défendre eux-mêmes leur propriété; ils seront tenus de surveiller avec encore plus de soin leur bétail au pâturage.

Search to be made for lost Property, and Offenders to be punished.

Si, contre toute attente, quelque chose venait à se perdre, il en sera immédiatement donné avis au fonctionnaire Chinois, qui, conjointement avec le Consul Russe, poursuivra avec toute la diligence possible les traces de l'objet perdu. Si ces traces étaient découvertes dans les villages de sujets Chinois et que le voleur fût saisi, il devra être jugé sans retard et sévèrement. Si l'on retrouvait quelques-unes des choses volées, elles seront restituées à qui il appartient.

ARTICLE VII.

Minor disputes to be decided by Russian Consul and Chinese Functionary.

En cas de brouilleries, de contestations ou autres incidents de peu d'importance entre les sujets respectifs, le Consul Russe et le fonctionnaire Chinois dont il a été fait mention plus haut, apporteront tous leurs soins à la décision de l'affaire.

Criminal cases to be decided as on the Frontier of Kiakhta.

Mais si, contre toute attente, il se présentait une affaire criminelle ou un cas important en général, il sera procédé conformément aux règles actuellement en vigueur sur la frontière de Kiakhta.

ARTICLE VIII.

Imports by Russian Merchants to be from 25th March to 10th December; Merchants free to remain after that date to sell their Imported Goods.

Les marchands Russes arriveront chaque année avec leurs marchandises, depuis le 25 Mars jusqu'au 10 Décembre (de notre style, ou d'après le calendrier Chinois, depuis le jour Tcin-ming jusqu'au jour Tong-tchi); passé cette dernière date l'arrivée des caravanes cessera. Si toutefois les marchandises importées pendant cette période (8 mois et demi) n'étaient pas vendues il sera loisible aux marchands de rester plus longtemps en Chine pour achever la vente, après quoi le Consul prendra soin de leur départ.

Caravans of less than 20 Camels not entitled to escorts.

Il est entendu de plus que les marchands Russes n'obtiendront une escorte d'officiers et de soldats, ni pour aller ni pour leur retour, s'ils n'ont pour le moins vingt chameaux avec des marchandises. Au reste, si un marchand ou le Consul Russe avait besoin, pour une affaire quelconque, d'expédier un exprès, il en aura la faculté.

Russian Consul or Merchants free to send an express twice a month only.

Mais pour que le service des officiers et soldats fournissant l'escorte ne devienne pas trop onéreux, il n'y aura que deux fois par mois de ces expéditions extraordinaires hors de la ligne des corps de garde.

ARTICLE IX.

Russian Merchants free to exchange visits ; Russian Subjects to be furnished with a permit.

Les marchands Russes et Chinois pourront se voir librement pour affaires de commerce ; mais les sujets Russes se trouvant dans la factorerie sous la surveillance du Consul Russe, ne pourront circuler dans les faubourgs et les rues que munis d'un permis du Consul ; sans ce permis ils ne pourront pas sortir de l'enceinte. Quiconque sortira sans permis sera reconduit chez le Consul, qui procédera contre lui comme de droit.

ARTICLE X.

Extradition of Criminals.

Si un criminel appartenant à l'un des deux Empires se réfugiait dans l'autre, il n'y sera pas toléré ; mais de part et d'autre les autorités locales prendront les mesures les plus sévères et les informations les plus exactes pour rechercher ses traces. Il y aura extradition réciproque de transfuges de cette espèce.

ARTICLE XI.

Pasturage to be allotted for Beasts of Burthen of Russian Merchants, and to be kept by them.

Comme il est à prévoir que les marchands Russes qui viendront en Chine pour affaires de commerce auront avec eux des montures, et des bêtes de somme, il sera assigné à leur usage, près de la ville d'Ili, des places sur les bords de la rivière Ili, et près de la ville de Tarbagataï, des lieux où il y a de l'eau et de l'herbe. Dans ces pâturages, les marchands Russes confieront leurs bestiaux à la garde de leurs gens, qui veilleront à ce que les terres labourées et les cimetières ne puissent dans aucun cas être foulés. Les contrevenants seront amenés devant le Consul pour être punis.

ARTICLE XII.

Credit for Merchandise not to be allowed on either side ; Complaints of Non-payment not to be admitted.

Dans l'échange de marchandises entre les commerçants des deux Empires il ne sera rien livré à credit de part ni d'autre. Si, malgré cet Article, quelqu'un livrait sa marchandise à crédit, les fonctionnaires Russes et Chinois n'auront point à intervenir et n'admettront aucune plainte, quand même il y en aurait.

ARTICLE XIII.

Plots of Ground to be allotted to Russian Merchants to build their Houses and Factories.

Comme les marchands Russes arrivant en Chine pour affaires de commerce doivent nécessairement avoir des emplacements pour

leurs factoreries, le Gouvernement Chinois leur assignera, dans les deux villes de commerce d'Ili et de Tarbagataï, des terrains près des bazars, afin que les sujets Russes puissent y construire à leurs frais des maisons d'habitation et des magasins d'entrepôt pour leurs marchandises.

ARTICLE XIV.

Freedom of Religious Worship; Spaces to be allotted for Russian Burial Ground at Ili and Tarbagataï.

Le Gouvernement Chinois ne s'interposera en aucun cas lorsque les sujets Russes célébreront dans leurs factoreries le service divin selon le rite de leur religion. Pour le cas où quelqu'un des sujets Russes en Chine viendrait à mourir à Ili ou à Tarbagataï, le Gouvernement Chinois assignera hors de l'enceinte de chacune de ces villes un terrain vague pour servir de cimetière.

ARTICLE XV.

Two sheep out of every ten imported at Ili or Tarbagataï to be made over to Chinese Government for an equivalent.

Si les marchands Russes amènent à Ili ou à Tarbagataï des moutons pour les y échanger, les autorités locales prendront pour compte du Gouvernement deux moutons sur 10, et livreront en échange de chaque mouton une pièce de toile (*da-ba*, de la mesure légale); le reste du bétail et toute autre marchandise seront échangés entre les marchands des deux Empires au prix convenu de gré à gré, et le Gouvernement Chinois ne s'en mêlera d'aucune façon.

ARTICLE XVI.

Official Correspondence between Russian and Chinese Governments.

La correspondance officielle ordinaire entre les deux Empires se fera, de la part du Gouvernement Russe, par l'entremise de l'administration supérieure de la Sibérie occidentale et sous le cachet de cette administration, et de la part du Gouvernement Chinois, par l'entremise et sous le cachet de l'administration supérieure de l'Ili.

ARTICLE XVII.

Treaty to be signed in the Russian and Manchu Languages.

Le présent Traité sera revêtu des signatures et cachets des Plénipotentiaires respectifs. Il en sera dressé, du côté de la Russie, 4 exemplaires en langue Russe, signés par le Plénipotentiaire de la Russie, et du côté de la Chine, 4 exemplaires en langue Mantchoue, signés par le Plénipotentiaire Chinois et son adjoint. Les Plénipotentiaires respectifs garderont chacun un exemplaire en langue Russe et un exemplaire en langue Mantchoue, pour la mise à execution du Traité et pour servir de règle constante. Un exemplaire Russe et un exemplaire Mantchou seront envoyés

au sénat dirigeant de Russie, et un exemplaire dans l'une et l'autre langue au tribunal Chinois des relations extérieures, pour y être scellés et gardés après l'échange des ratifications du Traité.

Tous les Articles ci-dessus du présent Traité conclu par les Plénipotentiaires respectifs de la Russie et de la Chine sont signés et munis de cachets.

Le 25 Juillet de l'an 1851, 26e année du règne de Sa Majesté Impériale l'Empereur et Autocrate de Toutes les Russies.

(L.S.) KOVALEVSKY.
(L.S.) I-CHAN.
BOUYANTAI.

(No. 80.) *TREATY of Friendship and Boundaries between Russia and China. Signed at Aighoun, 16th May,* 1858.

[Ratifié par l'Empereur de Russie, le 8 Juillet, 1858, et par Sa Majesté le Bogdokhan de Chine, le 2 Juin, 1858 (Hien-fong, 8e année, 5e lune, 4e jour).]

Le Grand Empire de Russie, et de sa part le Gouverneur-Général de la Sibérie Orientale, l'Aide de Camp Général de Sa Majesté l'Empereur Alexandre Nicolaïévitch, le Lieutenant-Général Nicolas Mouraview,—et le Grand Empire Ta-Tsing, et de sa part l'Aide de Camp Général Prince I-Chan, Grand de la Cour, Commandant en Chef sur l'Amour,—voulant établir une éternelle et plus intime amitié entre les deux Empires, et dans l'intérêt des sujets respectifs, ont arrêté d'un commun accord :

ARTICLE I.

Definition of Boundaries along course of River Amur.

La rive gauche du fleuve Amour, à partir de la rivière Argoun jusqu'à l'embouchure de l'Amour, appartiendra à l'Empire de Russie, et sa rive droite, en aval jusqu'à la rivière Oussouri, appartiendra à l'Empire Ta-Tsing ; les territoires et endroits situés entre la rivière Oussouri et la mer, comme jusqu'à présent, seront possédés en commun par l'Empire Ta-Tsing et l'Empire de Russie, en attendant que la frontière entre les deux États y soit réglée. La navigation de l'Amour du Soungari et de l'Oussouri n'est permise qu'aux bâtiments des Empires Ta-Tsing et de la Russie ; la navigation de ces rivières sera interdite aux bâtiments de tout autre État. Les habitants Mantchous établis sur la rive gauche de l'Amour, depuis la rivière Zéia jusqu'au village de Hormoldzin au sud, conserveront à perpétuité les lieux de leurs anciens domiciles sous l'administration de Gouvernement Mantchou, et les habitants Russes ne pourront leur faire aucune offense ni vexation.

ARTICLE II.

Trade on banks of Rivers Ussuri, Amur, and Sungari.

Dans l'intérêt de la bonne intelligence mutuelle des sujets respectifs, il est permis aux habitants riverains de l'Oussouri, de l'Amour et du Soungari, sujets de l'un et de l'autre Empire, de trafiquer entre eux, et les autorités doivent réciproquement protéger les commerçants sur les deux rives.

ARTICLE III.

Treaty signed in Russian, Manchu, and Mongol Languages.

Les stipulations arrêtées d'un commun accord par le Plénipotentiaire de l'Empire de Russie, le Gouverneur-Général Mouraview, et le Commandant-en-chef sur l'Amour, I-Chan, et Plénipotentiaire de l'Empire Ta-Tsing, seront exactement et inviolablement exécutées à perpétuité ; à cet effet, le Gouverneur-Général Mouraview, pour l'Empire de Russie, a remis un exemplaire du présent Traité, écrit en langues Russe et Mantchoue, entre les mains du Commandant-en-chef Prince I-Chan pour l'Empire Ta-Tsing, et le Commandant-en-chef Prince I-Chan, pour l'Empire Ta-Tsing, a remis un exemplaire du présent Traité en langues Mantchoue et Mongole, au Gouverneur-Général Mouraview pour l'Empire de Russie. Toutes les stipulations consignées dans la présente seront publiées pour l'information des habitants limitrophes des deux Empires.

Le 16 Mai, 1858, ville d'Aïghoun.

(L.S.) NICHOLAS MOURAVIEW.
(L.S.) PIERRE PEROFFSKY.
(L.S.) I-CHAN.
(L.S.) DZIRAMINGA.

(**No. 81.**) *TREATY of Commerce, &c., between Russia and China. Signed at Tientsin, 1/13th June*, 1858.

[Traduction.]

Sa Majesté l'Empereur et Autocrate de Toutes les Russies et Sa Majesté l'Empereur de Chine jugeant de toute nécessité de préciser clairement les relations mutuelles entre la Russie et la Chine, et d'arrêter de nouveaux règlements pour l'intérêt des deux États, ont nommé à cet effet leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de Toutes les Russies, son Aide de Camp Général, Vice-Admiral Comte Euphimius Poutiatine, Commissaire Impérial en Chine, et Commandant-en-chef l'escadre Russe dans l'Océan Pacifique ;

Et Sa Majesté l'Empereur de Chine, de son Empire le Dahiochi de la section Orientale, Dirigeant-en-chef du Tribunal de Justice Criminelle, le haut fonctionnaire Koui-leang, et de son Empire le Président du Tribunal d'Inspection, Chef de Division de la grosse Infanterie du drapeau bleu à frange, son haut fonctionnaire Houachana.

Lesdits Plénipotentiaires, en vertu des pouvoirs qu'ils ont reçus de leurs Gouvernements respectifs, sont convenus des Articles suivants, et les ont arrêtés :

ARTICLE I.

Peace and Friendship.

Le présent Traité confirme de nouveau la Paix et l'Amitié qui existent depuis nombre d'années entre Sa Majesté l'Empereur de Toutes les Russies et Sa Majesté l'Empereur de Chine, et entre leurs sujets respectifs.

Protection of Persons and Property.

Les sujets Russes qui résident en Chine, et les sujets Chinois qui se trouvent en Russie, jouiront constamment de la protection des Gouvernements des deux Empires, tant pour leur sécurité personnelle que pour celle de leur propriété.

ARTICLE II.

Official Correspondence between Russian and Chinese Governments.

Dorénavant les communications entre le Gouvernement Suprême de Russie et le Gouvernement Suprême de Chine, ne se feront plus comme cela était jusqu'à présent, par le Sénat d'une part et le Tribunal Li-fan-yuan de l'autre, mais ce sera le Ministre des Affaires Étrangères de Russie qui communiquera avec le Membre aîné du Conseil d'État ou le Premier Ministre à Pékin. Ils traiteront sur le pied d'une parfaite égalité.

Transmission of Correspondence.

La correspondance ordinaire entre les personnes mentionnées ci-dessus sera transmise par les autorités des frontières. Les communications de haute importance seront portées dans la capitale par un employé nommé *ad hoc*, qui pourra entrer dans des explications verbales avec les Membres du Conseil d'État et le Premier Ministre. A son arrivée il remettra les dépêches par l'entremise du Président du Tribunal des Rites (Li-pou).

L'égalité sera observée de même dans la correspondance et les entrevues des Envoyés et des Ministres Plénipotentiaires de Russie, avec les Membres du Conseil d'État, les Ministres de la Cour de Pékin, et les Gouverneurs-Généraux de Provinces limitrophes et maritimes ; et dans les relations entre les Gouverneurs-Généraux et les autres autorités de frontière des deux États.

Correspondence and Interviews between Russian Ministers and Members of Chinese Government.

Si le Gouvernement Russe jugeait nécessaire de nommer un Ministre Plénipotentiaire pour résider dans l'un des ports ouverts de la Chine, il traitera dans ses relations personnelles et sa correspondance avec les autorités Chinoises locales et les Ministres à Pékin, suivant les règles générales convenues maintenant par tous les États étrangers.

Russian Ministers allowed to go to Peking. Routes to be taken.

Les Envoyés de Russie pourront se rendre à Pékin en passant par Kiakhta et Ourga, soit par Takou à l'embouchure du Peiho, soit par toute autre ville ou port ouvert de la Chine. Après une notification préalable le Gouvernement Chinois devra faire prendre immédiatement les arrangements nécessaires pour que le voyage de l'Envoyé et de sa suite fût prompt et commode. La réception dans la capitale devra se faire avec les honneurs dus à son rang ; on préparera des logements convenables et lui fournira tous les objets nécessaires.

Expenses of Russian Mission to be borne by Russian Government.

Toutes les dépenses occasionnées par l'envoi des Missions Diplomatiques de Russie en Chine seront supportées par le Gouvernement Russe, et ne tombent en aucun cas à la charge du Gouvernement Chinois.

ARTICLE III.

Russian Trade free in Chinese open Ports. Shanghai, Ningpo, &c.

Dorénavant le commerce entre la Russie et la Chine pourra se faire non-seulement dans les endroits fixés sur les frontières, mais encore par mer. Les navires marchands Russes pourront venir commercer dans les ports suivants : Shanghai, Ning-po, Fou-tcheou-fou, Amoy, Canton, Tai-wan-fou, sur l'Ile de Formose, Khioung-tcheou-fou, sur l'Ile de Hainan.

ARTICLE IV.

No limit to Trade between Russia and China.

A l'avenir il n'y aura aucune limitation de la part des deux Gouvernements quant au nombre des commerçants et des capitaines employés dans le commerce.

Russian Merchants to pay Duties levied on Foreign Imports.

Dans le commerce maritime et dans tous les détails qui le concernent, savoir, les déclarations sur les marchandises importées, le payement des droits d'ancrage et des droits d'après le tarif existant, &c., les sujets Russes se conformeront aux règlements généraux établis pour le commerce étranger dans les ports de Chine.

Confiscation of Imported Articles of Illicit Trade.

Tout commerce illicite qui serait fait par les Russes sera puni par la confiscation, au profit du Gouvernement Chinois, des marchandises débarquées.

ARTICLE V.

Appointment of Russian Consuls.

Le Gouvernement Russe sera libre de nommer des Consuls dans les ports ouverts au commerce.

Visit of Russian Vessels of War.

Il pourra y envoyer des navires de guerre pour maintenir l'ordre parmi les sujets Russes et donner de l'appui à l'autorité du Consul.

Relations between Consuls and Local Authorities. Concessions of land for Churches, Houses, Shops, &c.

Les relations entre le Consul et les autorités locales, la concession d'un terrain convenable pour la construction des églises, des maisons, et des magasins, l'achat par les Russes de terres chez les Chinois, et toutes les transactions qui sont du ressort du Consul, se feront suivant les règles générales observées par le Gouvernement Chinois dans les affaires avec les étrangers.

ARTICLE VI.

Wrecks and Salvage.

Si un bâtiment de guerre ou de commerce Russe venait à se perdre sur la côte, l'autorité Chinoise la plus proche porterait sur-le-champ assistance à l'équipage, et prendrait les mesures nécessaires pour le sauvetage du navire et de la cargaison. Elle facilitera aussi le transport de l'équipage et de la cargaison au port le plus proche où se trouve un Consul Russe ou un agent d'une nation amie de la Russie, ou la frontière, si le naufrage a eu lieu près d'elle. Le Gouvernement Russe fera rembourser les frais occasionnés par le sauvetage de l'équipage et de la cargaison.

Repair and Revictualling of Ships of War and Merchant Vessels in non-open Ports of China.

Dans le cas où des navires de guerre ou marchands Russes se trouvaient dans la nécessité de faire des réparations, de se pourvoir d'eau et de provisions fraîches, ils pourront entrer sur leur route dans les ports non ouverts au commerce, et acheter ce qui leur faut à des prix fixés à l'amiable et sans que les autorités locales y mettent des obstacles.

ARTICLE VII.

Disputes between Chinese and Russians to be examined by Chinese Authorities in Concert with Russian Consuls.

Toute affaire entre les sujets Russes et Chinois dans les ports et villes ouverts sera examinée par les autorités Chinoises de concert avec le Consul Russe ou l'agent qui représente l'autorité du Gouvernement Russe dans l'endroit.

Russian Criminals to be judged according to Russian Law, and Chinese by their own Law.

Les sujets Russes coupables des quelque délit ou crime seront jugés d'après les lois Russes. De même les sujets Chinois pour chaque crime ou attentat contre la vie ou la propriété d'un Russe seront jugés et punis d'après les lois de leur pays.

Russians entering China and committing a crime, to be sent beyond the Frontier, or to the Consul to be tried.

Les sujets Russes qui auraient pénétré dans l'intérieur de la Chine et y auraient commis quelque crime ou délit seront reconduits à la frontière, ou dans l'un des ports ouverts où réside un Consul Russe pour être jugés et punis d'après les lois Russes.

ARTICLES VIII.

Protection of Chinese Christians.

Le Gouvernement Chinois ayant reconnu que la doctrine Chrétienne facilite l'établissement de l'ordre et de la concorde entre les hommes, promet de ne pas persécuter ses sujets Chrétiens pour l'exercice des devoirs de leur religion ; ils jouiront de la protection accordée à tous ceux qui professent les autres croyances tolérées dans l'Empire.

Freedom of Christian Religion.

Le Gouvernement Chinois considérant les missionaires Chrétiens comme des hommes de bien qui ne cherchent pas d'avantages matériels, leur permettra de propager le Christianisme parmi ses sujets, et ne leur empêchera pas de circuler dans l'intérieur de l'Empire.

Passports to Missionaries.

Un nombre fixé de missionaires partant des villes ou ports ouverts sera muni de passeports signés par les autorités Russes.

ARTICLE IX.

Boundary Commission to fix unsettled Limits.

Les parties non déterminées des frontières entre la Chine et la Russie devront être examinées sans délai sur les lieux mêmes.

Les deux Gouvernements nommeront à cet effet des délégués qui fixeront la ligne de démarcation et concluront là-dessus une Convention, qui sera annexée comme Article Séparé au présent Traité.

Des cartes et des descriptions détaillées de la frontière seront dressées ensuite et serviront de documents incontestables pour les temps futurs.

ARTICLE X.

Stay of Russian Ecclesiastical Mission at Peking.

Il n'y aura plus de terme fixe pour le séjour à Pékin de la Mission Ecclésiastique Russe ; les membres de cette mission pourront, de l'autorisation de leur Gouvernement, retourner dans leur patrie à toute époque. La place vacante pourra être occupée par un nouveau membre.

Russia to Defray Expenses of Mission.

Le Gouvernement Chinois n'aura plus des dépenses à faire pour l'entretien de la mission ; tous les frais seront à la charge du Gouvernement Russe.

Les frais de voyage des membres de la mission, des courriers et des autres personnes que le Gouvernement Russe expédiera de Kiakhta et des ports ouverts de Chine, et *vice versâ*, seront payés par le Gouvernement Russe ; les autorités Chinoises locales sont obligées, de leur côté, de prendre les mesures nécessaires pour que le voyage de toutes les personnes mentionnées ci-dessus soit prompt et commode.

ARTICLE XI.

Postal Service with Peking.

Un service de poste régulier sera établi entre Kiakhta et Pékin pour les communications entre les deux Gouvernements, ainsi que pour les besoins de la Mission Ecclésiastique Russe à Pékin.

Le courrier Chinois sera expédié à un jour fixe une fois par mois de Pékin et de Kiakhta, et devra, dans l'espace de 15 jours ou moins, apporter des paquets officiels et lettres au lieu de leur destination.

De plus, chaque 3 mois, ou 4 fois par an, on expédiera un convoi de Kiakhta à Pékin, et *vice versâ*, pour le transport de toute espèce d'envois et d'effets. Ce convoi devra faire le trajet dans l'espace d'un mois. Toutes les dépenses occasionnées pour l'établissement et l'entretien de ces communications seront payées de moitié par les deux Gouvernements.

ARTICLE XII.

Political, Commercial, and other Privileges ; Most-favoured-nation Treatment.

Tous les privilèges politiques, commerciaux, ou autres, qui pourraient dans la suite être acquis par les États les plus favorisés

par le Gouvernement Chinois, seront étendus en même temps sur la Russie sans que cela nécessite des négociations préalables.

Ratifications.

Ce Traité sera ratifié dès à présent par l'Empereur de Chine, et après qu'il aura été ratifié par l'Empereur de Russie, l'échange des ratifications se fera à Pekin dans un an, ou plutôt si faire se peut.*

Language of Treaty. Manchu Text to be Authoritative.

Des copies en langues Russe, Mantchoue, et Chinoise, revêtues des signatures et des sceaux des Plénipotentiaires des deux États, sont échangées maintenant, et le texte Mantchou servira de base pour l'interprétation de tous les Articles du Traité, qui seront observés par les deux Hautes Parties Contractantes fidèlement et inviolablement.

Fait et signé dans la ville de Tien-tsin, le $\frac{1}{13}$ Juin, de l'année 1858 après la naissance de Jésus-Christ, et dans la 4e année du règne de Sa Majesté l'Empereur Alexandre II.

(L.S.) COMTE EUPHIMIUS POUTIATINE.
(L.S.) KOUI-LEANG.
(L.S.) HOUACHANA.

(No. 82.) *ADDITIONAL TREATY of Commerce, &c., between Russia and China. Signed at Peking, $\frac{2}{14}$th November*, 1860.†

[Ratified at St. Petersburg, December 20, 1860.]

A la suite d'une révision et d'un examen attentifs des Traités existants entre la Russie et la Chine, Sa Majesté l'Empereur et Autocrate de Toutes les Russies, et Sa Majesté de Bogdokhan de l'Empire Ta-Tsing, voulant resserrer encore davantage les liens d'amitié réciproque entre les deux Empires, développer les relations commerciales et prévenir tout mésentendu, ont résolu de stipuler quelques Articles Additionnels, et, à cet effet, ont nommé pour leurs Plénipotentiaires :

Pour l'Empire de Russie, le Général-Major Nicolas Ignatiew, de la suite de Sa Majesté Impériale, et Chevalier de plusieurs Ordres ;

Pour l'Empire Ta-Tsing, le Prince Kong, Prince de première classe, qui porte le nom d'Y-Sing.

Lesdits Plénipotentiaires, après s'être communiqué leurs pleins pouvoirs, trouvés suffisants, sont convenus de ce qui suit :

* Ratifications exchanged at Peking, $\frac{3}{15}$ Nov., 1860. See Protocol, Page 471
† See also Treaty, 7th October, 1864 (**No. 83**).

ARTICLE I.

Pour corroborer et élucider l'Article I du Traité conclu dans la ville d'Aïgoun, le 16 Mai, 1858 (**No. 80**). (8e année de Hien-Fong, 21e jour de la 4e lune), et en exécution de l'Article IX du Traité conclu de 1er Juin de la même année (3e jour de la 5e lune) dans la ville de Tien-tsin (**No. 81**) il est établi :

Eastern frontier of two Empires defined. Territory north of the Amur to belong to Russia, that to the south to China.

Désormais la frontière Orientale entre les deux Empires, à commencer du confluent des rivières Chilka et Argoun, descendra le cours de la rivière Amour jusqu'au confluent de la rivière Ousouri avec cette dernière. Les terres situées sur la rive gauche (au nord) de la rivière Amour appartiennent à l'Empire de Russie, et les terres situées sur la rive droite (au sud), jusqu'au confluent de la rivière Ousouri, appartiennent à l'Empire de Chine. Plus loin, depuis le confluent de la rivière Ousouri jusqu'au lac Hinkaï, la ligne frontière suit les rivières Ousouri et Son'gatcha. Les terres situées sur la rive orientale (droite) de ces rivières appartiennent à l'Empire de Russie, et sur la rive occidentale (gauche) à l'Empire de Chine. Plus loin, la ligne frontière entre les deux Empires, depuis le point de sortie de la rivière Son'gatcha, coupe le lac Hinkaï, et se dirige sur la rivière Bélén-ho (Tour) ; depuis l'embouchure de cette rivière elle suit la crête des montagnes jusqu'à l'embouchure de la rivière Houpitou (Houptou), et de là, les montagnes situées entre la rivière Khoûn-tchoun et la mer jusqu'à la rivière Thou-men-kiang. Le long de cette ligne, également, les terres situées à l'est appartiennent à l'Empire de Russie et celles à l'ouest à l'Empire de Chine. La ligne frontière s'appuie à la rivière Thou-mem-kiang, à 20 verstes Chinoises (li) au-dessus de son embouchure dans la mer.

Map showing Delimitation.

De plus, en exécution du même Article IX du Traité de Tien-tsin est confirmée la carte dressée à cet effet, et sur laquelle, pour plus de clarté, la ligne frontière est tracée par un trait rouge et indiquée par les lettres de l'alphabet Russe А. Б. В. Г. Д. Е. Ж. З. И. І. К. Л. М. Н. О. П. Р. С. Т. У. Cette carte est signée par les Plénipotentiaires des deux Empires et scellée de leurs sceaux.*

Chinese Colonists in Russian Territory to enjoy rights of Hunting and Fishing.

Dans le cas où il existerait dans les lieux sus-indiqués des terrains colonisés par des sujets Chinois, le Gouvernement Russe s'engage à y laisser les habitants et à leur permettre de se livrer comme par le passé à la chasse et à la pêche.

Après que les bornes-frontières auront été posées, la ligne de démarcation de la frontière devra rester à jamais invariable.

* Not published.

ARTICLE II.

Delimitation of Western Frontier.

La ligne frontière à l'ouest, indéterminée jusqu'ici, doit désormais suivre la direction des montagnes, le cours des grandes rivières et la ligne actuellement existante des piquets Chinois. A partir du dernier phare, nommé Chabindabaga, établi en 1728 (6e année de Young-Tching), après la conclusion du Traité de Kiakhta, elle se dirigera vers le sud-ouest jusqu'au lac Dsaï-sang, et de là jusqu'aux montagnes situées au sud du lac Issyk-koul, et nommées Tèngri-chan, ou Alatau des Kirghises, autrement dites encore Thian-chan-nana-lou (branches méridionales des montagnes Célestes), et le long de ces montagnes jusqu'aux possessions au Kokand.

ARTICLE III.

Commission for Settlement of Eastern Boundary.

Désormais toutes les questions de frontières qui pourront surgir ultérieurement seront réglées d'après les stipulations des Articles I et II du présent Traité, et, pour la pose des bornes-frontières, à l'orient, depuis le lac Hinkaï jusqu'à la rivière Thou-men-kiang ; et à l'occident, depuis le phare Chabindabaga jusqu'aux possessions du Kokand, les Gouvernements Russe et Chinois nommeront des hommes de confiance (commissaires). Pour l'inspection des frontières orientales, les commissaires devront se réunir au confluent de la rivière Ousouri dans le courant du mois d'Avril prochain (11e année de Hien-Fong, 3e lune). Pour l'inspection de la frontière occidentale, la réunion des commissaires aura lieu à Tarbagataï, mais l'époque n'en est pas déterminée.

Map to be prepared.

Sur les bases fixées par les Articles I et II du présent Traité, les fonctionnaires fondés de pouvoirs (commissaires) dresseront des cartes et des descriptions détaillées de la ligne frontière, en 4 exemplaires, dont deux en langue Russe et deux en langue Chinoise ou Mantchoue. Ces cartes et descriptions seront signées et scellées par les commissaires, après quoi deux exemplaires, un en Russe et l'autre en langue Chinoise ou Mantchoue, seront remis au Gouvernement Russe, et deux exemplaires semblables au Gouvernement Chinois, pour être conservés par eux.

Pour la remise des cartes et descriptions de la ligne frontière, il sera dressé un protocole corroboré par la signature et l'apposition des sceaux des commissaires, et qui sera considéré comme Article Additionnel au présent Traité.

ARTICLE IV.

Freedom of Frontier Trade. Protection of Local Chiefs.

Sur toute la ligne frontière établie par l'Article I du présent Traité, un commerce d'échange libre et franc de droits est autorisé

entre les sujets des deux États. Les chefs locaux des frontières doivent accorder une protection particulière à ce commerce et à ceux qui l'exercent.

Sont en même temps confirmées par le présent les dispositions relatives au commerce établies par l'Article II du Traité d'Aïgoun (**No. 80**).

ARTICLE V.

Russian Trade between Kiakhta and Peking.

Outre le commerce existant à Kiakhta, les marchands Russes jouiront de leur ancien droit de se rendre de Kiakhta à Pékin pour affaires commerciales.

Trade at Urga and Kalgan.

Sur la route, il leur est également permis de commercer à Ourga et à Kalgan, sans être obligés toutefois d'y établir de commerce en gros.

Appointment of Russian Consul at Urga.

Le Gouvernement Russe aura le droit d'avoir à Ourga un Consul (lin-tchi-khouant) accompagné de quelques personnes, et d'y construire à ses frais une habitation pour ce fonctionnaire. Quant à la concession d'un terrain pour cet édifice, au règlement des dimensions de ce dernier, comme aussi à la concession d'un pâturage, on devra s'entendre avec les Gouverneurs d'Ourga.

Liberty to Chinese to trade in Russia.

Les marchands Chinois sont également autorisés à se rendre en Russie pour y commercer, s'ils le désirent.

Liberty to Russian Merchants to Travel in China. Restrictions.

Les marchands Russes ont le droit de voyager en Chine, en tout temps, pour affaires de commerce ; seulement, il leur est interdit de se réunir simultanément en nombre de plus de 200 dans le même lieu ; de plus, ils doivent être munis de billets de l'autorité Russe à la frontière indiquant le nom du chef de la caravane, le nombre des hommes dont elle se compose et le lieu de sa destination. Pendant le voyage, ces marchands ont la faculté d'acheter et de vendre tout ce qui leur convient. Tous les frais de leur voyage sont à leur charge.

ARTICLE VI.

Kashgar opened, experimentally, to Trade.

A titre d'essai, le commerce est ouvert à Kachgar, sur les mêmes bases qu'à Ili et à Tarbagataï.

Cession of Land for Building Houses, Churches, Cemeteries, and for Pasturage, &c.

A Kachgar, le Gouvernement Chinois cède un terrain suffisant pour la construction d'une factorerie avec tous les édifices néces-

saires, tels que maisons d'habitation, magasins pour le dépôt des marchandises, église, &c., ainsi qu'un terrain pour le cimetière, et un pâturage, comme à Ili et à Tarbagataï. Les ordres seront donnés immédiatement au Gouverneur du pays de Kachgar pour la concession desdits terrains.

Pillage of Merchandise.

Le Gouvernement Chinois ne répond pas du pillage des marchands Russes commerçant à Kachgar, dans le cas où ce pillage aurait été commis par des gens venus d'au-delà des lignes des postes de garde Chinois.

ARTICLE VII.

Reciprocal Freedom of Commerce.

Dans les lieux ouverts au commerce, les Russes en Chine, comme les sujets Chinois en Russie, peuvent se livrer en pleine liberté aux affaires commerciales, sans aucune vexation de la part des autorités locales ; fréquenter avec la même liberté et en tout temps les marchés, les boutiques, les maisons des marchands du pays ; vendre et acheter diverses marchandises en gros et en détail, au comptant ou par échanges ; les livrer et recevoir à crédit, selon leur confiance réciproque.

Merchants free to remain in one place as long as they please.

La durée du séjour des marchands dans les lieux où se fait le commerce n'est pas déterminée et dépend de leur libre arbitre.

ARTICLE VIII.

Mutual Protection of Merchants.

Les marchands Russes en Chine et les Chinois en Russie sont placés sous la protection spéciale des deux Gouvernements.

Appointment of Russian Consuls at Kashgar and Urga.

Pour surveiller les marchands et prévenir les malentendus qui pourraient survenir entre eux et les habitants du pays, il est loisible au Gouvernement Russe de nommer dès à présent des Consuls à Kachgar et à Ourga, sur la base des règles adoptées pour Ili et Tarbagataï.

Appointment of Chinese Consuls in Russia.

Le Gouvernement Chinois peut également, s'il le désire, nommer des Consuls dans les capitales et autres villes de l'Empire de Russie.

Government Consular Buildings.

Les Consuls de l'une et de l'autre Puissance sont logés dans des édifices construits aux frais de leurs Gouvernements respectifs. Toutefois, il ne leur est pas défendu de louer, si cela leur convient, des logements chez les habitants du pays.

Relations of Consuls with Local Authorities.

Dans leurs relations avec les autorités locales, les Consuls des deux Puissances observent une égalité parfaite, en exécution de l'Article II du Traité de Tien-tsin (**No. 81**). Toutes les affaires concernant les marchands de l'un et de l'autre Empire sont examinées par eux de gré à gré; les crimes et délits doivent être jugés, comme il est réglé par l'Article VII du Traité de Tien-tsin (**No. 81**), d'après les lois de l'Empire dont le coupable est sujet.

Consular Jurisdiction. Civil Cases.

Les litiges, revendications et autres malentendus de même nature, survenant entre marchands à propos d'affaires commerciales, seront réglés par les marchands eux-mêmes, au moyen d'arbitres choisis parmi eux; les Consuls et les autorités locales doivent se borner à coopérer à l'arrangement à l'amiable, sans prendre aucune responsabilité relativement aux revendications.

Fulfilment of Contracts.

Dans les lieux où le commerce est autorisé, les marchands de l'un et de l'autre Empire peuvent contracter des engagements par écrit pour des commandes de marchandises, la location de boutiques, maisons, &c., et les présenter à la légalisation du Consulat et de l'administration locale. En cas de non-exécution d'un engagement écrit, le Consul et le chef local prennent des mesures pour amener les parties à remplir exactement leurs obligations.

Les contestations qui ne se rapportent point à des affaires de commerce entre marchands, telles que litiges, plaintes, &c., sont jugées de consentement mutuel par le Consul et le chef local, et les délinquants sont punis d'après les lois de leur pays.

Extradition.

En cas de recel d'un sujet Russe parmi les Chinois, ou de sa fuite dans l'intérieur du pays, l'autorité locale, aussitôt après en avoir été informée par le Consul Russe, prend immédiatement des mesures pour faire rechercher le fugitif, et aussitôt après l'avoir découvert le remet au Consulat Russe. La même marche doit également être observée relativement à tout sujet Chinois qui se cacherait chez des Russes ou se serait enfui en Russie.

Criminal Cases. Punishment of Offenders.

Dans les cas de crimes graves, tels que meurtre, brigandage avec de graves blessures, attentat contre la vie, incendie prémédité, &c., après enquête, si le coupable est Russe, il est envoyé en Russie pour être traité selon les lois de son pays, et s'il est Chinois, sa punition lui est infligée par l'autorité du lieu où le crime a été commis, ou bien, si les lois de l'État l'exigent, le coupable est envoyé dans une autre ville ou une autre province pour y recevoir son châtiment.

Non-Imprisonment of Subjects of other Powers.

En cas de crime, quelle qu'en soit la gravité, le Consul et le chef local ne peuvent prendre les mesures nécessaires que relativement au coupable appartenant à leur pays, et ni l'un ni l'autre n'a le droit d'incarcérer ni de juger séparément, et encore moins de châtier un individu non-sujet de son Gouvernement.

ARTICLE IX.

Commercial Relations on Frontiers.

L'étendue que prennent actuellement les relations commerciales entre les sujets des deux Puissances, et la fixation de la nouvelle ligne des frontières rendent désormais inapplicables les anciennes règles établies par les Traités conclus à Nertchinsk et à Kiakhta, et par les Conventions qui leur ont servi de compléments ; les relations des autorités des frontières entre elles et les règles établies pour l'examen des affaires de frontières ne répondent également plus aux circonstances actuelles. En conséquence, en remplacement de ces règles, il est établi ce qui suit :

Frontier Regulations.

Désormais, outre les relations qui existent à la frontière orientale, par Ourga et Kiakhta, entre le Gouverneur de Kiakhta et les autorités d'Ourga, et à la frontière occidentale, entre le Gouverneur Général de la Sibérie Occidentale et l'administration d'Ili, il y aura encore des relations de frontières entre les Gouverneurs militaires de la province de l'Amour et de la province maritime et les tsiang-kiun (Commandants-en-chef) de Hé-loung-kiang et de Kirin, et entre le Commissaire des frontières de Kiakhta et le dzargoutcheï (pou youèn), d'après le sens de l'Article VIII du présent Traité.

Conformément à l'Article II du Traité de Tien-tsin (**No. 81**) les Gouverneurs militaires et Commandants-en-chef (tsiang-kiun) ci-dessus nommés doivent observer une égalité parfaite dans leurs relations, et sont tenus de ne les entretenir que pour les affaires dans lesquelles leur administration est directement intéressée.

En cas d'affaires d'une importance particulière, le Gouverneur-Général de la Sibérie Orientale a le droit d'entretenir des relations par écrit, soit avec le Conseil Suprême (kiun-ki-tchou), soit avec la Cour, des relations extérieures (li-fan-youèn), comme principale autorité administrative dirigeant les relations et l'administration des frontières.

ARTICLE X.

Criminals to be punished according to Laws of their own Country.

Dans l'instruction et la décision des affaires de frontières, de quelque importance qu'elles soient, les chefs des frontières se

conformeront aux règles énoncées en l'Article VIII du présent Traité : quant aux enquêtes concernant les sujets de l'un et de l'autre Empire, et aux châtiments à leur infliger, ils s'effectueront, ainsi qu'il est dit en l'Article VII du Traité de Tien-tsin (**No. 81**), d'après les lois du pays auquel appartient le coupable.

Slaying and Theft of Cattle on Frontier.

En cas de passage, détournement ou enlèvement de bétail au delà de la frontière, les autorités locales, aussitôt qu'elles en auront été informées et que les traces auront été indiquées au gardien du poste frontière le plus proche, enverront des hommes chargés de faire des recherches. Le bétail retrouvé sera immédiatement restitué, et s'il en manque quelques pièces, la répétition en sera exercée conformément aux lois ; mais dans ce cas l'indemnité à payer ne doit pas être élevée à plusieurs fois la valeur du bétail manquant (ainsi que cela se pratiquait auparavant).

Extradition of Fugitives.

En cas de fuite d'un individu au delà des frontières, à la première nouvelle, des mesures sont immédiatement prises pour rechercher le transfuge. Le fugitif saisi est livré sans délai avec tous les objets qui lui appartiennent, à l'autorité de la frontière : l'examen des motifs de la fuite et le jugement de l'affaire elle-même s'effectuent par l'autorité locale du pays auquel appartient le transfuge, la plus rapprochée des frontières. Pendant tout le temps de son séjour au delà des frontières, depuis son arrestation jusqu'à son extradition, le transfuge est convenablement nourri et, en cas de besoin, vêtu ; la garde qui l'accompagne doit le traiter avec humanité et ne doit pas se permettre d'actes arbitraires à son égard. On devra en agir de même à l'égard du transfuge au sujet duquel il n'aurait été donné aucun avis.

ARTICLE XI.

Method of Address and Despatch of Official Communications.

Les communications par écrit entre les autorités supérieures des frontières de l'un et de l'autre Empire ont lieu par l'entremise des fonctionnaires les plus voisins de la frontière, à qui les dépêches expédiées sont remises contre récépissés.

Le Gouverneur-Général de la Sibérie Orientale et le Gouverneur de Kiakhta envoient leurs dépêches au commissaire des frontières à Kiakhta, qui les remet au dzargoutcheï (pou-youèn) : les Gouverneurs d'Ourga expédient les leurs au dzargoutcheï (pou-youèn), qui les remet au commissaire des frontières à Kiakhta.

Le Gouverneur Militaire de la Province de l'Amour envoie ses dépêches par l'adjoint (fou-dou-toun) du Commandant-en-chef

(tsiang-kiun) dans la ville d'Aïgoun, par l'entremise duquel les Commandants-en-chef (tsiang-kiun) de Héloung-kiang et de Kirin transmettent les leurs au Gouverneur Militaire de la Province de l'Amour.

Le Gouverneur Militaire de la province maritime et le Commandant-en-chef (tsiang-kiun) de Kirin se transmettent réciproquement leurs dépêches par l'entremise de leurs chefs de postes frontières sur les rivières Ousouri et Khoûn-tchoun.

La transmission des correspondances entre le Gouverneur-Général de la Sibérie Occidentale et l'administration supérieure ou le Commandant-en-chef (tsiang-kiun) d'Ili s'effectue par l'entremise du Consul de Russie dans la ville d'Ili (Kouldja).

En cas d'affaire d'une importance particulière exigeant des explications verbales, les autorités supérieures des frontières de l'un et de l'autre Empire peuvent s'expédier réciproquement leurs dépêches par des fonctionnaires Russes de confiance.

ARTICLE XII.

Letter and Parcel Posts between Kiakhta and Peking.

Conformément aux dispositions de l'Article XI du Traité de Tien-tsin (**No. 81**), les postes aux lettres et aux colis expédiées pour affaires de service de Kiakhta à Pekin, et retour, partiront aux époques ci-dessous, savoir : les postes aux lettres, une fois chaque mois de chacun des deux points, et les postes aux colis, une fois tous les deux mois de Kiakhta pour Pékin, et une fois tous les 3 mois de Pékin pour Kiakhta.

Les postes aux lettres doivent arriver à leur destination en 20 jours au plus, et les postes aux colis en 40 jours au plus.

A chaque voyage, la poste aux colis ne doit pas être chargée de plus de 20 caisses ne pesant pas plus de 120 livres Chinoises (ghin) ou 4 pouds chacune.

Les postes aux lettres doivent être expédiées le jour même où elles ont été remises ; en cas de retard, il y aura une enquête et une punition sévère.

Le postillon expédié avec les postes aux lettres et aux colis doit se présenter au Consulat de Russie à Ourga, y remettre les lettres et colis adressés aux personnes résidant en cette ville, et recevoir d'elles les lettres et colis qu'elles auraient à expédier.

A l'expédition des postes aux colis, les caisses dont elles sont chargées doivent être accompagnées de lettres de voiture (tsin-tan). De Kiakhta, les lettres de voiture, accompagnées d'un office, sont adressés au Gouverneur d'Ourga, et de Pékin, également avec un office, à la cour des relations extérieures (lian-youèn).

Les lettres de voiture indiquent exactement la date de l'éxpédition, le nombre des caisses et leur poids total. Le poids spécial de chaque caisse doit être inscrit sur l'enveloppe même de la caisse. en chiffres Russes, avec leur traduction en poids Mongol ou Chinois.

Private Postal Service sanctioned.

Si les marchands Russes jugent nécessaire, pour les besoins de leurs affaires de commerce, d'établir à leurs frais un service de poste pour le transport de leurs lettres ou de leurs marchandises, la faculté leur en sera accordée, afin d'alléger le service de la poste de l'État. En cas d'établissement d'une communication postale, les marchands doivent simplement en prévenir l'autorité locale pour obtenir son assentiment.

ARTICLE XIII.

Transmission of Ordinary Correspondence.

Les correspondances ordinaires du Ministre des Affaires Étrangères de Russie pour le Conseil Suprême (kiun-kitchou) de l'Empire Ta-Tsing, et celles du Gouverneur-Général de la Sibérie Orientale pour le même Conseil ou pour la cour des relations extérieures (li-fan-youén) sont expédiées de la manière ordinaire par la poste, mais sans être astreintes aux époques fixées pour le départ de celle-ci ; en cas d'affaires d'une importance particulière, ces correspondances peuvent être expédiées par un courrier Russe.

Special Couriers.

Pendant le séjour des Envoyés Russes à Pékin, les dépêches d'une importance spéciale peuvent également être expédiées par un fonctionnaire Russe expressément désigné à cet effet.

Les courriers Russes ne doivent être retenus nulle part en route, ni par qui que ce soit.

Le courrier chargé de transporter des dépêches doit absolument être sujet Russe.

L'éxpédition d'un courrier est annoncée 24 heures d'avance, à Kiakhta, par le commissaire au dzargoutcheï (pou-youèn), et à Pékin par la mission Russe à la cour militaire (ping-pou).

ARTICLE XIV.

Power to revise Regulations respecting Land Trade.

Si, ultérieurement, quelqu'une des stipulations relatives au commerce de terre arrêtées par le présent Traité offre des inconvénients à l'une ou à l'autre Partie, le Gouverneur-Général de la Sibérie Orientale est autorisé à s'entendre avec les autorités supérieures des frontières de l'Empire Ta-Tsing et à conclure avec elles des Conventions additionnelles, en se conformant dans tous les cas aux principes posés ci-dessus.

L'Article XII du Traité de Tien-Tsin (**No. 81**) est en même temps confirmé et ne doit subir aucune altération.

ARTICLE XV.

Exchange of Treaties.

Ayant arrêté d'un commun accord les dispositions ci-dessus, les Plénipotentiaires des Empires de Russie et de Chine ont signé de leur main et scellé de leur sceau deux exemplaires du texte Russe du Traité et deux exemplaires de sa traduction en langue Chinoise, et se sont réciproquement remis l'un à l'autre un exemplaire de l'un et de l'autre.

Les Articles du présent Traité ont force légale à dater du jour de leur échange entre les Plénipotentiaires de l'un et de l'autre Empire, comme s'ils étaient insérés mot pour mot dans le Traité de Tien-Tsin, et doivent être à toujours exécutés fidèlement et inviolablement.

Ratifications.

Après avoir été ratifié par les Souverains des deux Empires, ce Traité sera promulgué dans chacun des deux États, pour la connaissance et la gouverne de qui il appartiendra.

Conclu et signé dans la ville capitale de Pékin, le $\frac{2}{14}$ Novembre, 1860, de l'ère Chrétienne, et 6e année du règne de l'Empereur Alexandre II, et le 2e jour de la 10e lune de la 10e année de Hien-Fong.

(L.S.) NICOLAS IGNATIEW.
(L.S.) KONG.

Protocol de l'échange du Traité Additionnel de Pékin.

Le $\frac{2}{14}$ Novembre de l'an 1860, les Hauts Plénipotentiaires : pour l'Empire de Russie, le Général-Major Ignatiew, de la suite de Sa Majesté Impériale et Chevalier de plusieurs ordres ; pour l'Empire Ta-Tsing, le Prince Kong, Prince de première classe, suivis de leurs Secrétaires et interprètes, se sont réunis à 4 heures après midi, dans une des salles du Collége Ecclésiastique Russe, situé vers le sud, à l'effet de procéder à la signature et à l'échange du Traité conclu aujourd'hui et devant servir de complément au Traité de Tien-Tsin de l'année 1858 (**No. 81**).

En premier lieu il a été fait lecture de l'édit du Bogdokhan, dans lequel il est déclaré que Sa Majesté confirme mot pour mot le projet de Traité Additionnel, en 15 Articles, soumis à sa ratification ; qu'elle promet de l'exécuter fidèlement et inviolablement, et ordonne à Kong-tsin-wang d'apposer le sceau et de signer le Traité Additionnel qui a été conclu. Kong-tsin-wang ayant ensuite déclaré que cet édit suffit en tout point pour que la délimitation des deux Empires et les autres Articles du Traité soient considérés comme définitivement ratifiés par le Bogdokhan, le Plénipotentiaire de Russie a déclaré que, de son côté, il consentait à considérer le Traité comme ratifié par le Bogdokhan, et qu'il était prêt à signer

immédiatement le Traité et à effectuer l'échange des exemplaires. En conséquence, les deux Plénipotentiaires ont signé deux exemplaires du Traité en langue Russe et deux exemplaires en langue Chinoise, et y ont fait apposer leurs sceaux. A la suite de quoi le Général-Major Ignatiew a remis entre les mains du Prince de première classe Kong l'instrument du Traité, transcrit dans les deux langues, et le Prince de première classe Kong, ayant reçu le Traité, a remis à son tour au Plénipotentiaire de Russie l'instrument du Traité également transcrit dans les deux langues.

L'échange des exemplaires du Traité ayant été effectué, les Plénipotentiaires ont signé le présent procès-verbal, en deux exemplaires, à Pékin, dans une des salles du Collége Ecclésiastique Russe, situé vers la sud.

(L.S.) NICOLAS IGNATIEW.
(L.S.) KONG.

(**No. 83.**) *PROTOCOL OF CONFERENCE between Russia and China defining the Boundary between the Two Countries. Signed at Tchuguchak,* $\frac{25th\ September,}{7th\ October,}$ 1864.*

(Translation.)

IVAN ZAKHAROFF, State Councillor, Knight, and Consul-General in Kuldja; and

Ivan Babkoff, Colonel, Knight, and Chief Quartermaster of the detached Siberian Army Corps, Commissaries of the Great Russian Empire appointed for the delimitation of the frontier; and

Min-i, Commander of the Left Wing, Tzian-Tziun of Ulusutai, and ranking as Commander of a Chinese Army Corps bearing a red banner with a border;

Silin, Hobɔi-Amban of Tarbagataï, and ranking as Assistant Commander of an Army Corps; and

Bolgosu, Brigadier Commander of Tarbagataï, having the rank of Assistant Commander of an Army Corps and the title of Baturu, all three of the great Daitsin Empire, and appointed by Supreme Order for determining the North-Western Frontier.

In fulfilment of the Treaty of Peking (**No. 82**), and with the view of strengthening the good relations existing between the two Empires, it was by mutual accord determined in the town of Tarbagataï with respect to the delimitation of the country subject to partition between the two countries, and commencing from Shabindabaha to the Tsun-lin range bordering on Kokan territory, to mark the line of frontier along the ridges of mountains, large rivers, and existing Chinese pickets, and having constructed a map of

* Referred to in Treaty between Russia and China of February $\frac{1}{13}$, 1881 (**No. 85**).

the country adjoining the frontier to indicate on it by a red line the boundary between the two Empires. Wherefore they have drawn up the present Protocol, in which they have set forth the names of the places defining the line of frontier determined at the present Conference, and adopted the rules for defining such frontier, which are embodied in the following Articles :—

ARTICLE I.

Commencing from the boundary mark of Shabin-dabaha the frontier will first run westwards, then southwards along the Sayan ridge ; on reaching the western extremity of the Tannu-ola range, it will turn to the south-west, following the Sailingem range, and from the Kuitun mountains it will run westwards along the great Altai range. On reaching the mountains situated between the two Kalguty rivers (Kaliutu in Chinese), which flow north of Tzaisan-nor lake, the frontier will turn to the south-west, and following along the above mountains will extend to Tchakilmes mountain, on the north shore of Tzaisan-nor mountains. From hence, making a turn to the south-east, the frontier is to extend along the shore of Tzaisan-nor lake, and along the Black-Irtysh river to Manitu-gatul Khan picket.

Along this whole extent the watershed is to be adopted as the basis for defining the frontier between the two Empires, in such a manner that all the country along which rivers flow to the eastward and southward is to be apportioned to China, and all the country through which rivers flow to the west and north shall be allotted to Russia.

ARTICLE II.

From the picket of Manitu-gatul Khan, in a south-easterly direction, the line of frontier is to abut on the Sauri mountains (Sairi-ola in Chinese) ; beyond this it will first trend to the south-west, and then west along the Tarbagataï range. On reaching the Khabar-asu pass (Hamar-dabakhan in Chinese) it will turn to the south-west and proceeding along the picket road, the frontier will extend along the pickets Kumurchi, Karabulak, Boktu, Veitan-tszi (Kok-tuma in Russian), Manitu, Sara-bulak, Chelan-togoi, Ergetu, Barluk, Modo-barluk. From hence the frontier is to extend along the valley between the Barluk and Alataù ranges, and beyond, between the Aruzindalan and Kabtagai pickets, the line is to be drawn along the most elevated point of this valley, abutting on the eastern extremity of the Altan-Tebshi mountains. The watershed is to be taken as a basis for the line of demarcation between the two Empires along this whole extent of country, and in such a manner that all country along which waters flow eastward and southward is to be assigned to China, and all country with waters flowing westward is to be allotted to Russia.

ARTICLE III.

From the western extremity of the Altan-Tebshi mountains the frontier is to run westward along the great range of mountains known under the general name of the Alatau range, namely, along the summits of the Altan-Tebshi, So-Daba, Kuké-tom, Khan-Karchagai, and others. Along this extent all the country through which rivers flow northward is to become Russian territory, and all the country having rivers flowing southward is to be allotted to China.

On reaching the Kongor-obo mountains, which serve as the watershed of the rivers Sarbaktu flowing eastwards, the Kok-su (the Kuké-olom of the Chinese) flowing westward, and the Kuitun (the Ussek of the Russians) flowing southward, the boundary is to deflect to the south.

Along this extent all the country through which rivers such as the Kok-su and others flow to the westward is to be assigned to Russia, and all the country along which rivers such as the Sarbaktu and others flow to the eastward is to become Chinese territory.

From hence, proceeding along the summits of the Koitas mountains, situated west of the Kuitun river, and reaching the point at which the river Turgen flowing southward issues out of the mountains, the boundary is to extend along the Turgen river and through the Borohudzir, Kuitun, Tsitsikhan, Horgos pickets, and be carried to the Ili-buraitsikin picket. Here, crossing the Ili river, the line of boundary is to run southward to the Tchun-tszi picket; from thence, turning to the south-east, the boundary shall be extended to the source of the Temurlik river. Thence deflecting to the eastward, the line of frontier shall proceed along the summits of the Temurlik range, otherwise known under the name of the Nan-Shan range, and skirting the camping-grounds of the Khirghizes and Buruts (Dikkokamenni Khirghizes), the boundary shall turn in a south-westerly direction at the source of the Kegen river (the Gegen of the Chinese).

Along this extent all the country through which rivers run westward of the Kegen and other rivers shall belong to Russia, while all the country through which run rivers east of Undu-bulak and other rivers shall be allotted to China.

Further, proceeding to the south-west, the boundary shall run along the summits of the Karatau mountains, and reaching the Birin-bash mountains (Bir-basha of the Chinese), the line of frontier shall extend along the River Daratu, flowing southwards towards the Tekes river. The boundary, after crossing the Tekes river, shall extend along the Naryn-Nalga river and then abut on the Tian-Shan range. From hence, proceeding in a south-westerly direction, the frontier shall run along the summits of the Khan-Tengere, Savabtsi, Kukustluk (Gunguluk of the Chinese), Kakshal (Kakshan of the Chinese), and other mountains, situated to the southward of

Temurtunor lake, and known under the general name of the Tian-Shan range, separating Turkestan from the camping-grounds of the Buruts; and the boundary shall then abut on the Tsun-lin range which extends along the Kokandian frontier.

ARTICLE IV.

At points occurring along ridges of mountains, large rivers, and permanent picket stations, which, after the present boundary delimitation shall have become Russian territory, and which are consequently situated on the side of the boundary line, there formerly existed Chinese pickets, as in the Ulusutai and Kobdo districts, on the northern side of the great Altai and other ranges; Ukek and other pickets in the Tarbagataï district on the northern side of the Tarbagataï range; Olon-bulak and other pickets, on the northern side of the Alatan range; Aru-Tsindallan and other pickets in the Ili district; Konur-Olen (Kongoro-olon of the Chinese) and other pickets. Until the boundary marks shall have been placed, the Chinese authorities may, as formerly, send their soldiers to these points for frontier service. With the arrival next year of the Commissioners from both sides for placing the boundary marks, the above-mentioned pickets must be removed to the Chinese side of the boundary in the course of one month, counting from the time of placing the boundary mark at that point from which the picket must be withdrawn.

ARTICLE V.

The present delimitation of the boundary has been undertaken with a view of consolidating permanently friendly relations between the two Empires; consequently, in order to avoid disputes respecting the inhabitants of the conterminous zone, it is hereby determined to adopt as a basis the day of exchange of this Protocol, *i.e.*, wherever such inhabitants may be seated at that time, there they are peaceably to abide and to remain in enjoyment of the means of existence assigned to them, and to whichever Empire the camping-grounds of these inhabitants may have passed, to such Empire shall such inhabitants and their land belong, and by such Empire shall they be governed. And if, after this, any of them shall remove from their previous place of residence and cross the border, such people shall be sent back, and thus all confusion and uncertainty on the boundary terminated.

ARTICLE VI.

On the expiration of 240 days after the exchange of this Protocol respecting the boundary now defined, the Commissioners of both sides shall for the purpose of placing the boundary marks meet at appointed places, viz., from the Russian side the Commissioners shall assemble at a place situated between Aru-tsindallan and

Kaptagai localities and here divide into two parties, one of which, together with the Commissioners from the Ili district, shall, for the purpose of placing the boundary marks, proceed to the south-west along the line of frontier now fixed, and place such marks. The other party, together with the Commissioners from the Tarbagatai district, shall proceed to the north-east, along the line of boundary now determined, and place the boundary marks.

To the Manitu-Gatulkhan picket shall proceed the Commissioner from the Kobdo district for the purpose of placing the boundary marks, and he shall, conjointly with the Russians, place such marks along the boundary line now fixed; to the Sogok picket shall proceed the Commissioner empowered by the Ulusutai district to place the boundary marks, and he shall conjointly with the Russians, place such boundary marks along the line of frontier as far as the Shabin-dabaha picket.

For placing the marks the following rule shall be observed: where the boundary runs along high mountains, the summits of the mountains are there to be taken as the boundary line; and where it runs along large rivers, there the banks of the rivers are to serve as the line of frontier; at places where the boundary runs across mountains and rivers, new boundary marks are to be placed at all such places. In general, along the whole frontier the direction of the course of waters is to be taken into consideration when placing the boundary marks, and these marks are to be erected according to the nature of the locality. If, for instance, there is no pass through the mountains and consequently the placing of boundary marks would at such points be attended with difficulty, then the range of mountains and the course of flowing waters must be taken as the basis for the boundary line. In placing the marks in a valley, 30 fathoms (20 Chinese fathoms) must be left as intermediate ground.

All products of mountains and rivers to the left of the erected boundary marks shall belong to China, and all products of mountains and rivers on the right side of the boundary marks shall belong to Russia.

ARTICLE VII.

After the boundary marks shall have been placed the Commissioners appointed by both sides for the erection of such marks must, in the following year draw up a memorandum of the number of boundary marks erected by them, and specify the names of the localities where the marks have been placed by them, and they shall exchange such memoranda.

ARTICLE VIII.

After the boundary marks shall have been erected by them along the whole line of frontier now determined between the two Empires, should it anywhere appear that the source of a river

is situated within Chinese territory, and its course run within the confines of the Russian Empire, in such case the Chinese Empire must not alter the former bed of the river nor dam its course; and so conversely, should the source of the river be situated in Russian territory, and its course run within Chinese limits, the Russian Empire must not alter its former bed or dam its course.

ARTICLE IX.

Hitherto the Amban rulers of Urga have alone been in communication with the Governor of Kiakhta on public matters, and the Tzian-Tziun of Ili and the Hobei-Amban of Tarbagataï have similarly had relations with the Governor-General of Western Siberia. Now, with the establishment of the present frontier, should any matter arise within the Ulusutai and Kobdo districts necessitating mutual relations, the Tzian-Tziun of Ulusutai and the Hobei-Amban of Kobdo shall in such case enter into communication with the Governor of the Province of Tomsk and with the Governor of the Semipalatinsk region. The correspondence between them may be conducted either in the Manchjurian or Mongolian tongue.

ARTICLE X.

Prior to this, some inhabitants of Tarbagataï had established farms and ploughed up land in five places in the Tarbagataï district, west of Baktu picket, on the river Siao-Shui, and had paid rent for the same to the Government. With the establishment of the present boundary the above localities have become Russian territory; the immediate removal of the above-mentioned agriculturists would, however, be attended with hardship to them. A period, therefore, of ten years shall be allowed them, counting from the time of erection of the boundary marks, and during this term they shall be gradually transferred to the interior parts of China.

In this manner the Commissioners imperially appointed on both sides for the delimitation of the boundary have at their present meeting determined by mutual accord the boundary line, have prepared in quadruplicate a map of the whole frontier as now fixed, and inscribed on this map in the Russian and Manchjurian languages the names of the places situated on the boundary, and have affixed their seals and signatures to such maps. They have likewise, drawn up this protocol in the Russian and Manchjurian languages and having prepared four copies in each language, they, the Boundary Delimitation Commissioners of both sides, have attested these documents by affixing their seals and signatures thereto.

When mutually exchanging these documents the Commissioners of both Empires shall retain a copy of the map and a copy of the protocol for their guidance; the remaining two copies of the map, and two copies of the protocol, the Commissioners of both Empires shall present to their respective Ministries of Foreign

Affairs for embodiment in the Treaty of Peking, and in supplement thereto.

For this purpose they have made a mutual exchange of this Protocol on the 25th day of September, in the year of Our Lord 1864; of the Daitsin Empire, in the reign of Joninga-Dasan, the 3rd year, 9th moon, 7th day.

(L.S.) ZAKHAROFF, *Commissioner, Consul-General in Kuldja, and State Councillor.*
(L.S.) IVAN BABKOFF, *Commissioner, Head Quartermaster of the Detached Siberian Army Corps, and Colonel of the Staff.*

On the original Manchjur copy are the following signatures :—

MIN-I, *the Tzian-Tziun.*
SILIN, *the Hobei-Amban.*
BOLGOSU, *the Meyen and Amban.*

Commissioners of the Daitsin Empire for the Delimitation of the North-Western Boundary.

(No. 84.) *REVISED CONVENTION for the Land Trade between Russia and China. Signed at Peking, ⅓th April,* 1869.

[Signed in Russian and Chinese.]

Import Trade.

(Translation.)

ART. I. No duties shall be levied upon trade on the frontier of the two countries within the limit of a hundred li (30 miles).

It shall be at the option of either Government to adopt measures of supervision in accordance with its own frontier regulations.

ART. II. Russian merchants shall be at liberty to proceed to all parts of Mongolia subject to China in which (Chinese) officers are stationed, as also to all the tribes under the Government of the said officers, for purposes of trade, and shall likewise be exempt from the levy of duty. China will throw no impediment whatever in the way of Russian merchants wishing to proceed for purposes of trade to parts of Mongolia where no Chinese officers are stationed, but such merchants must be provided with certificates issued by the frontier authorities of their own Government, such certificates to be stamped in Russian, Chinese and Mongolian characters, specifying the name of the bearer, the description of his merchandise and its packages, and the number of camels, oxen and horses he takes with him. This certificate is to be presented for inspection

at the first Chinese frontier-post arrived at, where it shall be attested either by stamping or by signature.

In the event of persons being found without such passport, their merchandise shall be confiscated, and they shall themselves be dealt with in conformity with the provision of Article X of the Treaty of Peking relating to the apprehension and return of refugees. The Consuls will exercise a strict supervision to prevent Russian subjects unprovided with passports from proceeding [into Chinese territory] to trade.

ART. III. Russian merchants transporting Russian merchandise to Tientsin must be provided with certificates stamped by the Russian frontier officers and Chinese Resident at Kiachta, such certificates to specify in Russian and Chinese the name of the said merchant and his attendants, the description of his cargo and number of packages. Caravans of this class shall be permitted to travel only by way of Kalgan, Tung Pa and T'ung Chow direct to Tientsin. The Chinese officials at all Customs' stations on the line of travel shall be authorized to take note of the number of packages and to examine their contents without delay, and to examine the transit certificate and affix their stamp to the same, granting passage thereupon. If the packages are opened for inspection of their contents at any Customs' station, they shall, on completion of the search, be repacked again under seal by the Customs, and a note shall be made on the certificate stating the number of packages opened. The inspection to be made by the Customs shall not occupy a longer time than two hours. The certificate shall be surrendered and cancelled at the Customs at Tientsin within six months [from the date of issue].

If any certificate be lost, the bearer shall make report forthwith to the authority by whom the document was issued, specifying the date and number of the missing certificate. A duplicate shall hereupon be issued to the applicant without delay, upon which the words "Substitute" shall be endorsed, and report shall at the same time be made at the nearest Custom-House, where, on inspection [of the merchandise] and on finding the same to be correct, a temporary pass shall be issued, enabling the bearer to proceed, in order to obviate delay. If the report and application for the pass be made at Kalgan, security shall be given on the part of the applicant by the Russian merchants at that place, before the pass is issued.

If on arrival at Tientsin the description of merchandise or the number of packages is found not to agree with the substitute for the original certificate, the case shall be dealt with in conformity with Article VII, the firm concerned being held responsible, and the lost certificate shall become null and void.

ART. IV. Russian merchants transporting merchandise from Kiachta, shall be authorized on their passage through Kalgan to deposit at that place a portion of the merchandise bound for Tien-

tsin, to be sold on the spot. Report must be made within three days to the Superintendent of Customs, who will issue a permit accordingly. Merchandise to be stopped at Kalgan shall pay duty before it is permitted to be sold. It shall not be necessary, however, to appoint a Consul or to establish mercantile firms [lit., hongs and store houses] at the said place.

ART. V. Russian merchants transporting Russian merchandise shall on their arrival at Tientsin pay import duty at the rate of one-third less than that specified in the general foreign tariff. This shall be paid at Tientsin. Merchandise left at Kalgan shall pay import duty at the place according to the general foreign tariff.

ART. VI. Any Russian merchandise which shall have been left behind at Kalgan, and having paid duty at that place, and having received the duty certificate may, if not disposed of, be transported by the merchant to T'ung Chow or Tientsin for sale, and shall pay no further duty. The Russian merchant shall also in such case have refunded to him the extra one-third duty paid at Kalgan. A certificate to this effect shall be issued to him from the Customs at that place.

ART. VII. If it be found on the arrival of Russian merchandise, brought by a Russian merchant to Tientsin, that any of the goods, beside those reported for stoppage at Kalgan, have been disturbed or exchanged, or if the amount of merchandise to be left at Kalgan be found incorrect, the whole of the merchandise belonging to the person guilty of the breach of regulations shall be confiscated.

In the event of any actual damage accruing on the journey to the bales or boxes containing merchandise, rendering fresh packing necessary, report of the same shall be made at the first Custom-House reached after the repacking has taken place, when, if the description of merchandise be found correct, an endorsement to that effect shall be made upon the certificate, and the bearer shall thereupon be exempt from the infliction of a penalty.

If any person repairs to other places apart from the direct route, travelling by a road other than that specified in Article III, and disposes of his merchandise in an irregular manner, on the identity of a person guilty of a breach of the regulations being ascertained, the whole of his merchandise shall be confiscated. In cases where the offender has merely diverged from the direct route and has not trafficked in merchandise, he shall be punished by the levy of the amount of the full duty on the goods.

Where merchandise shall have become subject to confiscation, if the owner be willing to compound by payment of its value, arrangement must be made by consultation with the Chinese authorities, and it shall be allowable to pay over to the authorities such sum as may be justly estimated as the value of the goods.

ART. VIII. Russian merchants transporting Russian merchandise by sea from Tientsin to any of the other ports, shall make good at Tientsin the one-third tariff duty, remission of which they have

previously been granted, and shall pay no further duty on arrival at another port. Any merchandise carried into the interior from Tientsin or any other port shall pay an additional outport duty in conformity with the general foreign tariff (*i.e.*, one-half of the tariff duty).

Export Trade.

ART. IX. Russian merchants purchasing Chinese merchandise at any of the Treaty ports and exporting or importing the same, as also on importation or exportation, by the sea-route, of foreign goods brought from Russia, shall submit to the general regulations in force with reference to foreign trade.

ART. X. Russian merchants transporting Chinese merchandise from any of the ports by way of Tientsin *en route* to Russia, and not retaining the same for sale at Tientsin, if provided with documents certifying that the full duty has been paid elsewhere, shall be liable to no further levy at Tientsin. The Russian Consul at that port will issue a certificate in Russian and Chinese to be stamped by the Customs at Tientsin setting forth the bearer's name, the description of merchandise and the number of packages, which shall enable the goods to be transported to Kiachta, without further levy of duty. The merchants shall be required to follow the route laid down in Article III, and the disposal of merchandise *in transitu* shall be prohibited. Any infraction of these provisions shall be dealt with in conformity with Article VII.

The merchandise shall be subject to examination on its passage through T'ung Chow, Tung-pa, and Kalgan, as provided in Article III. The transit pass shall be surrendered at Kiachta within six months of the date of issue; or, if any delay interposes, report must be made within the stipulated period to the Consul and the local authorities. A penalty shall be inflicted in case of violation of this rule. In the event of loss of the transit certificate by the holder, measures shall be taken as provided in Article III.

ART. XI. Russian merchants purchasing at Tientsin, T'ung Chow, or elsewhere, Chinese merchandise brought from the interior, and intending to transport the same to Russian territory by the land route prescribed in Article III, shall pay the full duty as laid down in the general foreign tariff, receiving a certificate for the same, after which no further levy of duty shall be incurred. Such merchandise must not be disposed of *en route*.

ART. XII. Russian merchants purchasing at Tientsin Chinese re-imports to be conveyed overland to Russian territory, shall pay no further duty if the merchandise in question has already paid the full duty at the original port (of shipment), and is removed from Tientsin within the period of one year for conveyance to Russia in full compliance with all the existing regulations under this head. The half-duty paid on re-importation and storage at Tientsin shall further be refunded by means of a drawback certifi-

cate. Such merchandise shall not be disposed of *en route*. Transit certificates shall be issued in such cases, and all other steps be taken as is provided in Article X.

[NOTE.—On any change being agreed upon hereafter between China and other Powers respecting the levy of duty on re-imports at Tientsin, Russia will adopt the same alteration.]

ART. XIII. Russian merchants purchasing Chinese produce at T'ung Chow for conveyance to Russian territory, shall give notice in advance at Tung-pa and pay full duty according to the general foreign tariff. On receipt of the duty at Tung-pa, a certificate shall be issued specifying the description of merchandise and number of packages. Such merchandise shall not be disposed of *en route*.

ART. XIV. Russian merchants purchasing Chinese produce at Kalgan for conveyance to Russian territory shall pay export duty thereupon at the rate of the outport or coast-trade duty (*i.e.*, half the full duty) in the general foreign tariff. On this being paid at Kalgan, a certificate shall be issued by the Customs there, and no further levy shall thereafter be made. Such merchandise shall not be disposed of *en route*.

ART. XV. Russian merchants purchasing, either at Tientsin or at other ports, foreign merchandise coming from other countries for conveyance overland to Russian territory, shall not be subject to further levy of duty if the foreign importer has already paid the tariff duty and half-duty, and holds a duty receipt in testimony thereof. If only the import duty has been paid, and not the coast-trade duty, the Russian purchaser shall make good the half-duty by payment at the Custom-House in accordance with the general foreign tariff.

ART. XVI. Russian merchants conveying merchandise to Russian territory by way of Tientsin, T'ung Chow and Kalgan, must have their goods accompanied by the Customs' permit for purposes of examination. All matters relating to the period specified for the surrender of the transit certificate and proceedings in case of the loss of this document shall be conducted in conformity with Article X.

General Provisions.

ART. XVII. The provisions contained in the second article of regulations for trade appended to the foreign tariff shall be equally applied to the overland trade on the part of Russian merchants.

ART. XVIII. In the event of Russian merchants being guilty of acts of smuggling or of the carriage of prohibited articles such as are specified in Articles III and V of the General Tariff Regulations, the merchandise in question shall likewise be confiscated. Merchants carrying weapons for their own defence shall make report of the same to their own authorities, whereupon an entry will be made upon the transit certificate.

One military weapon will be allowed to each person.

ART. XIX. Foreign or Chinese merchandise of any description not enumerated in the general foreign tariff, shall be dealt with in accordance with the Russian Supplementary Rules agreed upon at Tientsin.

Goods unenumerated in both the Supplementary Rules and the general tariff shall pay duty at the rate of 5 per cent. *ad valorem*, in conformity with the rules applicable to other nationalities.

ART. XX. Russian merchants shall not lend their protection to Chinese merchants for the conveyance of goods from one port to the other.

ART. XXI. The Chinese authorities shall be at liberty in conformity with the general rule applicable to all other Powers to devise and carry into effect from time to time all such measures as may be necessary for the stringent prevention of smuggling.

ART. XXII. The regulations now agreed upon shall continue in force for the period of five years, on the expiry of which period, if either the Russian or Chinese Government be desirous of a revision, six months' notice previous to the expiry of the said period shall be given. If no notice be given by the time the period has expired, the present Regulations shall continue in force for a further period of five years, after which time their revision shall be conducted during the period of six months antecedent to their expiry. Any points of importance or presenting objectionable features, shall forthwith be taken jointly into consideration and made subject to alteration before the expiry of the period assigned above.

The above Articles having been agreed to, and signed by the High Commissioners of the two contracting Powers, and stamped with their respective seals, shall be notified to all concerned for general observance.

(No. 85.) *TREATY between Russia and China respecting the Re-establishment of Chinese Authority in the Country of Ili; Boundary; Consuls; Commerce; Frontier Trade, &c. Signed at St. Petersburg, 12/24th February*, 1881.

[Signed also in Russian and Chinese.]

[Ratifications exchanged at St. Petersburg, August 7/19, 1881.]

ARTICLE I.

Re-establishment of Chinese Authority in Ili.

SA Majesté l'Empereur de Toutes les Russies consent au rétablissement de l'autorité du Gouvernement Chinois dans le pays d'Ili, temporairement occupé, depuis 1871, par les armées Russes.

Russian Occupation of Western part of Ili.

La Russie reste en possession de la partie occidentale de ce pays, dans les limites indiquées à l'Article VII du présent Traité.

ARTICLE II.

Amnesty.

Sa Majesté l'Empereur de la Chine s'engage à décréter les mesures propres à mettre les habitants du pays d'Ili, à quelque race et à quelque religion qu'ils appartiennent, à l'abri de toute poursuite, dans leurs biens ou dans leurs personnes pour actes commis durant ou après les troubles qui ont eu lieu dans ce pays.

Une Proclamation conforme à cet engagement sera adressée par les autorités Chinoises, au nom de Sa Majesté l'Empereur de la Chine, à la population du pays d'Ili, avant la remise de ce pays aux dites autorités.

ARTICLE III.

Right of Inhabitants to remain or to emigrate.

Les habitants du pays d'Ili seront libres de rester sur les lieux de leur résidence actuelle comme sujets Chinois, ou d'émigrer en Russie et adopter la sujétion Russe. Ils seront appelés à se prononcer à ce sujet avant le rétablissement de l'autorité Chinoise dans le pays d'Ili, et un délai d'un an, à partir du jour de la remise du pays aux autorités Chinoises sera accordé à ceux qui témoigneront le désir d'émigrer en Russie. Les autorités Chinoises n'opposeront aucune entrave à leur émigration et à l'exportation de leur propriété mobilière.

ARTICLE IV.

Right of Russians to retain their lands : Exceptions.

Les sujets Russes possédant des terrains dans le pays d'Ili conserveront leurs droits de propriété, même après le rétablissement de l'autorité du Gouvernement Chinois dans ce pays.

Cette disposition n'est pas applicable aux habitants du pays d'Ili qui adopteront la sujétion Russe lors du rétablissement de l'autorité Chinoise dans ce pays.

Imposts and Contributions payable by Russians.

Les sujets Russes dont les terrains sont situés en dehors des emplacements affectés aux factoreries Russes, en vertu de l'Article XIII du Traité de Kouldja de 1851 (**No. 79**), devront acquitter les mêmes impôts et contributions que les sujets Chinois.

ARTICLE V.

Administration of the Province of Ili.

Les deux Gouvernements délégueront à Kouldja des Commissaires qui procéderont à la remise d'une part, et à la reprise de

l'autre, de l'administration de la Province d'Ili, et qui seront chargés, en général, de l'exécution des stipulations du présent Traité se rapportant au rétablissement, dans ce pays, de l'autorité du Gouvernement Chinois.

Les dits Commissaires rempliront leur mandat en se conformant à l'entente qui sera établie, quant au mode de remise d'une part, et de reprise de l'autre, de l'administration du pays d'Ili, entre le Gouverneur-Général du Turkestan et le Gouverneur-Général des Provinces du Chan-si et du Kan-sou, chargés par les deux Gouvernements de la haute direction de cette affaire.

La remise de l'administration du pays d'Ili doit être terminée dans un délai de trois mois, ou plus tôt si faire se peut, à dater du jour de l'arrivée à Tashkend du fonctionnaire qui sera délégué par le Gouverneur-Général du Chan-si et du Kan-sou auprès du Gouverneur-Général du Turkestan, pour lui notifier la ratification et la promulgation du présent Traité par Sa Majesté l'Empereur de la Chine.

ARTICLE VI.*

Indemnity payable by China for Russian occupation of Ili.

Le Gouvernement de Sa Majesté l'Empereur de la Chine payera au Gouvernement Russe la somme de 9,000,000 de roubles métalliques, destinée à couvrir les frais occasionnés par l'occupation du pays d'Ili par les troupes Russes depuis 1871, à satisfaire toutes les réclamations pécuniaires auxquelles ont donné lieu, jusqu'aujourd'hui, les pertes que les sujets Russes ont subies dans leurs biens pillés sur territoire Chinois, et à fournir secours aux familles des sujets Russes tués dans les attaques armées dont ils ont été victimes sur territoire Chinois.

La somme susmentionnée de 9,000,000 de roubles métalliques sera versée, dans le terme de deux ans à partir du jour de l'échange des ratifications du présent Traité, suivant l'ordre et les conditions convenus entre les deux Gouvernements dans le Protocole spécial annexé au présent Traité.

ARTICLE VII.

Incorporation of Western part of Ili with Russia.

La partie occidentale du pays d'Ili est incorporée à la Russie pour servir de lieu d'établissement aux habitants de ce pays qui adopteront la sujétion Russe, et qui, par ce fait, auront dû abandonner les terrains qu'ils y possédaient.

Boundary. Ili.

La frontière entre les possessions de la Russie et la province Chinoise d'Ili suivra, en partant des montagnes Bédjin-Taou, le cours de la Rivière Khorgos, jusqu'à l'endroit où celle-ci se jette

* See Protocol. Page 491.

dans la Rivière Ili, et, traversante cette dernière, se dirigera au sud, vers les montagnes Ouzontaou, en laissant à l'ouest le village de Koldjat. A partir de ce point elle suivra, en se dirigeant au sud, le tracé fixé par le Protocole signé à Tchougoutchak en 1864 (**No. 83**).

ARTICLE VIII.

Une partie de la ligne-frontière, fixée par le Protocole signé à Tchougoutchak en 1864 (**No. 83**) à l'est du Lac Zaïsan, ayant été trouvée défectueuse, les deux Gouvernements nommeront des Commissaires qui modifieront, d'un commun accord, l'ancien tracé, de manière à écarter les défectuosités signalées, et à établir une séparation efficace entre les tribus Kirghises soumises aux deux Empires.

Il sera donné au nouveau tracé, en tant que possible, une direction intermédiaire entre l'ancienne frontière et une ligne droite se dirigeant des Monts Kouïtoun vers les Monts Saour, en traversant le Tcherny-Irtych.

ARTICLE IX.

Boundary Commissioners to be appointed.

Des Commissaires seront nommés par les deux Parties Contractantes pour procéder à la pose de poteaux de démarcation, tant sur le tracé fixé par les Articles précédents VII et VIII que sur les parties de la frontière où il n'a pas encore été posé de poteaux. L'époque et le lieu de réunion de ces Commissaires seront fixés par une entente entre les deux Gouvernements.

Les deux Gouvernements nommeront également des Commissaires pour examiner la frontière et pour poser des poteaux de démarcation entre la province Russe de Ferganah et la partie occidentale de la province Chinoise de Kachgar. Ces Commissaires prendront pour base de leurs travaux la frontière existante.

ARTICLE X.

Appointment of Consuls at Towns in Ili; Sou-Tcheou, Tourfan, &c.

Le droit reconnu au Gouvernement Russe par les Traités de nommer des Consuls à Ili, à Tarbagataï, à Kachgar, et à Ourga est étendu, dès à présent, aux villes de Sou-Tcheou (Tsia-yu-kouan) et de Tourfan. Dans les villes suivants : Kobdo, Ouliassoutaï, Khami, Ouroumtsi, et Goutchen, le Gouvernement Russe établira des Consulats au fur et à mesure du développement du commerce, et après entente avec le Gouvernement Chinois.

Les Consuls de Sou-Tcheou (Tsia-yu-kouan) et de Tourfan exerceront les fonctions Consulaires dans les districts voisins, où les intérêts des sujets Russes réclameront leur présence.

Lands for Consulates and Cemeteries in Towns in Ili.

Les dispositions contenues dans les Articles V et VI du Traité conclu à Pékin en 1860 (**No. 82**), et relative à la concession de

terrains pour les maisons des Consulats, pour les cimetières, et pour les pâturages, s'appliqueront également aux villes de Sou-Tcheou (Tsia-yu-kouan) et de Tourfan. Les autorités locales aideront les Consuls à trouver des habitations provisoires jusqu'au moment où les maisons des Consulats seront construites.

Russian Consuls in Mongolia.—Postal Service.

Les Consuls Russes en Mongolie et dans les arrondissements situés sur les deux versants du Tian-chan se serviront, pour leurs voyages et pour l'envoi de leur correspondance, des institutions postales du Gouvernement, conformément aux stipulations de l'Article XI du Traité de Tien-tsin (No. 81), et de l'Article XII du Traité de Pékin (No. 82). Les autorités Chinoises, auxquelles ils s'adresseront à ces fins, leur prêteront aide et assistance.

Tourfan not open to Trade.

La ville de Tourfan n'étant pas une localité ouverte au commerce étranger, le droit d'y établir un Consulat ne saurait être invoqué comme précédent pour obtenir un droit analogue par rapport aux ports de la Chine, aux provinces intérieures, et à la Mandchourie.

ARTICLE XI.

Russian Consuls in China. Intercourse. Correspondence. Etiquette.

Les Consuls Russes en Chine communiqueront, pour affaires de service, soit avec des autorités locales de la ville de leur résidence, soit avec les autorités supérieures de l'arrondissement ou de la province, suivant que les intérêts qui leur sont respectivement confiés, l'importance des affaires à traiter, et leur prompte expédition l'exigeront. La correspondance entre eux se fera sous forme de lettres officielles. Quant aux règles d'étiquette à observer lors de leurs entrevues, et, en général, dans leurs relations, elles seront basées sur les égards que se doivent réciproquement les fonctionnaires de deux Puissances amies.

Settlement of Differences. Russian Consular Jurisdiction.

Toutes les affaires qui surgiront sur territoire Chinois, au sujet de transactions commerciales ou autres, entre les ressortissants des deux Etats seront examinées et réglées, d'un commun accord, par les Consuls et les autorités Chinoises.

Dans les litiges en matière de commerce les deux parties pourront terminer leurs différends à l'amiable, au moyen d'arbitres choisis de part et d'autre. Si l'entente ne s'établit pas par cette voie, l'affaire sera examinée et réglée par les autorités des deux Etats.

Les engagements contractés par écrit entre sujets Russes et Chinois relativement à des commandes de marchandises, au transport de celles-ci, à la location de boutiques, de maisons, et d'autres

emplacements, ou relatifs à d'autres transactions du même genre, peuvent être présentés à la légalisation des Consulats et des Administrations supérieures locales qui sont tenus de légaliser les documents qui leur sont présentés. En cas de non-exécution des engagements contractés, les Consuls et les autorités Chinoises aviseront aux mesures capables d'assurer l'exécution de ces obligations.

ARTICLE XII.

Right of Russian Subjects to Trade in Chinese Mongolia and in Provinces of Ili, free from Payment of Duties.

Les sujets Russes sont autorisés à faire, comme par le passé, le commerce en franchise de droits dans la Mongolie soumise à la Chine, tant dans les localités et les aïmaks où il se trouve une Administration Chinoise que dans ceux où il n'en existe point.

Les sujets Russes jouiront également de la faculté de faire le commerce en franchise de droits dans les villes et autres localités des provinces d'Ili, de Tarbagataï, de Kachgar, d'Ouroumtsi, et autres, situés sur les versants nord et sud de la chaîne du Tian-chan, jusqu'à la Grande-Muraille. Cette immunité sera abrogée lorsque le développement du commerce nécessitera l'établissement d'un Tarif Douanier, conformément à une entente à survenir entre les deux Gouvernements.

Les sujets Russes pourront importer dans les susdites provinces de la Chine, et en exporter, toute espèce de produits, de quelque provenance qu'ils soient. Ils pourront faire des achats et des ventes, soit au comptant, soit par voie d'échange ; ils auront le droit d'effectuer leurs payments en marchandises de toute espèce.

ARTICLE XIII.

Right of Russian Subjects to erect Houses, &c., at Kalgan and in other Towns.

Dans les localités où le Gouvernement Russe aura le droit d'établir des Consulats, ainsi que dans la ville de Kalgan, les sujets Russes pourront construire des maisons, des boutiques, des magasins, et d'autres bâtiments sur les terrains qu'ils acquerront par voie d'achat, ou qui leur seront concédés par les autorités locales, conformément à ce qui a été établi pour l'Ili et le Tarbagataï par l'Article XIII du Traité de Kouldja de 1851 (**No. 79**).

Les privilèges accordés aux sujets Russes dans la ville de Kalgan, où il n'y aura pas de Consulat, constituent une exception qui ne saurait être étendue à aucune autre localité des provinces intérieures.

ARTICLE XIV.

Russian Trade between Interior Provinces and Tientsin, viâ *Kalgan and Toun-Tcheou.*

Les négociants Russes qui voudront expédier de Russie, par voie de terre, des marchandises dans les provinces intérieures de la

Chine pourront, comme autrefois, les diriger, par les villes de Kalgan et de Toun-Tcheou, sur le port de Tien-tsin, et, de là, sur d'autres ports et marchés intérieures, et les vendre dans ces différentes localités.

Les marchands se serviront de cette même voie pour exporter en Russie des marchandises achetées tant dans les villes et ports sus-nommés que sur les marchés intérieurs.

Right of Russian Subjects to Trade at Sou-tcheou.

Ils auront également, le droit de se rendre, pour affaires de commerce, à Sou-tcheou (Tsia-yu-kouan), point terminal des caravanes Russes, et ils y jouiront de tous les droits accordés au commerce Russe à Tien-tsin.

ARTICLE XV.

Russian Land Trade in the Interior and Exterior Provinces of China.

Le commerce par voie de terre exercé par les sujets Russes dans les provinces intérieures et extérieures de la Chine sera régi par le Règlement annexé au présent Traité.*

Revision of Commercial Articles of Treaty after 10 Years.

Les stipulations commerciales du présent Traité ainsi que le Règlement qui lui sert de complément, pourront être révisés après un intervalle de 10 ans revolus, à partir du jour de l'échange des ratifications du Traité ; mais si, dans le courant de six mois avant l'expiration de ce terme, aucune des Parties Contractantes ne manifeste le désir de procéder à la révision, les stipulations commerciales, ainsi que le Règlement, resteront en vigueur pour un nouveau terme de 10 ans.

Russian Trade with China by Sea.

Le commerce par voie de mer des sujets Russes en Chine sera soumis aux Règlements généraux établis pour le commerce maritime étranger en Chine. S'il devient nécessaire d'apporter des modifications à ces Règlements, les deux Gouvernements établiront une entente à ce sujet.

ARTICLE XVI.

Russian Land Trade.

Si le développement du commerce Russe par voie de terre provoque la nécessité de l'établissement, pour les marchandises d'exportation et d'importation en Chine, d'un Tarif Douanier plus en rapport que les Tarifs actuellement en vigueur avec les nécessités de ce commerce, les Gouvernements Russe et Chinois procéderont à une entente à ce sujet, en adoptant pour base de la fixation des droits d'entrée et de sortie le taux de 5 per cent. de la valeur des marchandises.

* Page 492.

Tea Trade.

Jusqu'à l'établissement de ce Tarif, les droits d'exportation, prélevés sur quelques espèces de thés de qualités inférieures, actuellement imposés au taux établi pour le thé de qualité supérieure seront diminués proportionnellement à leur valeur. Il sera procédé à la fixation de ces droits, pour chaque espèce de thé, par une entente entre le Gouvernement Chinois et l'Envoyé de Russie à Pékin, dans le terme d'un an, au plus tard, à partir du jour de l'échange des ratifications du présent Traité.

ARTICLE XVII.

Straying or Robbery of Cattle on Frontier.

Des divergences d'opinion s'étant produites jusqu'ici dans l'application de l'Article X du Traité conclu à Pékin en 1860 (**No. 82**), il est établi, par les présentes, que les stipulations de l'Article susdit, relatives aux répétitions à exercer en cas de vol et de détournement de bétail au delà de la frontière, seront à l'avenir interprétées dans ce sens, que lors de la découverte d'individus coupables de vol ou de détournement de bétail ils seront condamnés à payer la valeur réelle du bétail q'ils n'auront pas restitué. Il est entendu qu'en cas d'insolvabilité des individus coupables de vol de bétail l'indemnité à payer pour le bétail manquant ne saurait être mise à la charge des autorités locales.

Les autorités frontières des deux États poursuivront selon toute la rigueur des lois de leur pays, les individus coupables de détournement ou de vol de bétail, et devront prendre les mesures qui dépendront d'elles pour la restitution, à qui de droit, du bétail détourné ou qui aurait passé la frontière.

Les traces du bétail détourné ou qui aurait passé la frontière peuvent être indiquées, non seulement aux gardiens des postes frontières, mais aussi aux anciens des villages les plus proches.

ARTICLE XVIII.

Navigation of the Amur, Sungari, and Ussuri. Right to trade.

Les stipulations du Traité conclu à Aïgoun le 16 Mai, 1858 (**No. 80**), concernant les droits des sujets des deux Empires de naviguer sur l'Amour, sur le Soungari et sur l'Oussouri, et de faire le commerce avec les populations des localités riveraines sont et demeurent confirmeés.

Les deux Gouvernements procéderont à l'établissement d'une entente concernant le mode d'application des dites stipulations.

ARTICLE XIX.

Modification of existing Treaties.

Les dispositions des anciens Traités entre la Russie et la Chine, *non-modifiées* par le présent Traité restent en pleine vigueur.

ARTICLE XX.

Ratifications to be exchanged.

Le présent Traité après avoir été ratifié par les deux Empereurs, sera promulgué dans chaque Empire, pour la connaissance et la gouverne de chacun. L'échange des ratifications aura lieu à Saint Pétersbourg dans le terme de six mois à compter du jour de la signature du Traité.

Languages of Treaty. French Text to be Authoritative.

Ayant arrêté les Articles ci-dessus, les Plénipotentiaires des deux Parties Contractantes ont signé et scellé de leurs sceaux deux exemplaires du présent Traité, en langues Russe, Chinoise, et Française. Des trois textes, dûment confrontés et trouvés concordants, le texte Français fera foi pour l'interpretation du présent Traité.

Fait à Saint-Pétersbourg, le 12/24 Février, 1881.

(L.S.) NICOLAS DE GIERS.
(L.S.) EUGENE BUTZOW.
(L.S.) TSÊNG.

PROTOCOLE.

Indemnity. Russian Occupation of Ili.

En vertu de l'Article VI du Traité signé aujourd'hui par les Plénipotentiaires des Gouvernements Russe et Chinois, le Gouvernement Chinois payera au Gouvernement Russe la somme de 9,000,000 roubles métalliques destinée à couvrir les frais de l'occupation du pays d'Ili par les troupes Russes et à satisfaire diverses réclamations pécuniaires des sujets Russes. Cette somme doit être payée dans le délai de deux ans à compter du jour de l'échange des ratifications du Traité.

Désirant préciser le mode de payement de la somme précitée, les Soussignés sont convenus de ce qui suit :—

Le Gouvernement Chinois versera l'équivalent de la somme de 9,000,000 roubles métalliques en livres sterling, soit 1,431,664*l.* 2*s.* sterling, chez MM. Baring, Frères and Cie., à Londres, en six parts égales de 238,610*l.* 13*s.* 8*d.* sterling chacune, moins les frais de banque d'usage qui seront occasionnés par le transfert de ces payements à Londres.

Les versements seront échelonnés à quatre mois de distance l'un de l'autre, le premier devant être effectué quatre mois après l'échange des ratifications du Traité signé aujourd'hui, et le dernier au terme de deux ans révolus après cet échange.

Le présent Protocole aura la même force et valeur que s'il était inséré mot à mot dans le Traité signé aujourd'hui.

En foi de quoi les Plénipotentiaires des deux Gouvernements ont signé le présent Protocole et y ont apposé leurs sceaux.

Fait à Saint-Petersbourg, le $\frac{12}{24}$ Février, 1881.

(L.S.) NICOLAS DE GIERS.
(L.S.) EUGÈNE BUTZOW.
(L.S.) TSÊNG.

Russian Land Trade.

Regulations for Trade by Land. February $\frac{12}{24}$, 1881.

ARTICLE I.

Un commerce de libre-échange et en franchise de droits entre sujets Russes et sujets Chinois, est autorisé sur une zone limitrophe s'étendant des deux côtés de la frontière à la distance de 50 verstes (100 li). Chacun des deux Gouvernements se réserve de surveiller ce commerce conformément à ses règlements frontières.

ARTICLE II.

Les sujets Russes se rendant pour affaires de commerce en Mongolie et dans les districts situés sur les versants nord et sud du Tian-chan peuvent franchir la frontière seulement en certains points, énumérés dans la liste annexée au présent Règlement.*

Ils doivent être munis par les autorités Russes de permis en langues Russe et Chinoise, avec traduction Mongole et Tartare. Le nom du propriétaire de la marchandise ou du chef de la caravane, la spécification des marchandises, le nombre des colis et celui du bétail, peuvent être indiqués, en langue Mongole ou Tartare, dans le texte Chinois de ces permis.

A leur entrée sur territoires Chinois les marchands sont tenus de présenter leurs permis au poste Chinois le plus proche de la frontière, où, après vérification, le permis devra être visé par le chef du poste.

Les autorités Chinoises ont le droit d'arrêter les marchands qui auraient franchi la frontière sans permis, et de les remettre entre les mains des autorités Russes les plus proches de la frontière, ou au Consul Russe compétent, pour qu'une punition sévère leur soit infligée.

En cas de perte du permis, le propriétaire est tenu d'en aviser le Consul Russe le plus proche, pour s'en faire délivrer un nouveau, et d'en informer les autorités locales pour obtenir un certificat temporaire lui permettant de continuer sa route.

Les marchandises importées en Mongolie et dans les arrondissements situés sur les versants du Tian-chan, qui, n'y auraient point été vendues, peuvent être dirigées sur les villes de Tien-tsin et de

* Page 498.

Sou-tchéou (Tsia-yu-kouan), pour y être vendues ou pour être expédiées plus loin en Chine.

Pour le prélèvement des droits sur ces marchandises, pour la délivrance des permis de transport, et pour les autres formalités de Douane, il sera procédé conformément aux dispositions ci-dessous détaillées.

ARTICLE III.

Les marchands Russes qui expédient des marchandises de Kiakhto et du pays de Nertchinsk à Tien-tsin sont tenus de les faire passer par Kalgan, Dounba, et Tountchéou. La même voie sera prise par les marchandises dirigées sur Tien-tsin, de la frontière Russe, par Kobdo et Kouï-houa-tchen.

Les marchands doivent être munis de permis de transport délivrés par les autorités Russes, dûment visés par les autorités Chinoises compétentes, portant indication, en langues Russe et Chinoise, du nom du propriétaire de la marchandise, du nombre des colis, et du genre de la marchandise qu'ils contiennent.

Les fonctionnaires des Douanes Chinoises situées sur la route suivie par les marchandises procéderont, sans retard, à la vérification du nombre des colis et à la visite des marchandises qu'ils laisseront passer après avoir apposé le visa sur le permis.

Les colis ouverts durant la visite douanière seront refermés par les soins de la douane, qui marquera sur le permis le nombre des colis ouverts.

La visite douanière ne doit par durer plus de deux heures.

Les permis devront être présentés, dans un délai de six mois, à la douane de Tien-tsin, pour être annulés. Si le propriétaire des marchandises trouve ce délai insuffisant, il est tenu d'en informer, en temps et lieu, les autorités Chinoises.

En cas de perte du permis, le marchand est tenu d'en aviser les autorités qui le lui ont délivré pour obtenir un duplicata, et de déclarer à cet effet le numéro et la date du permis égaré. La douane la plus proche, située sur sa route, après avoir constaté l'exactitude de la déclaration du marchand, lui délivre un certificat provisoire, avec lequel les marchandises, peuvent être dirigées plus loin.

Une déclaration inexacte de la quantité des marchandises, s'il est prouvé qu'elle a été faite avec l'intention de dissimuler des ventes opérées en route, ou d'échapper au payement des droits, entraîne, pour le marchand, l'application des peines établies dans Article VIII du présent Règlement.

ARTICLE IV.

Les marchands, Russes qui désireraient vendre à Kalgan une partie quelconque des marchandises importées de Russie doivent en faire la déclaration à l'autorité locale dans le délai de cinq jours. Celle-ci, après acquittement par le marchand des droits d'importation entiers, lui délivre un permis de vente des marchandises.

ARTICLE V.

Les marchandises importées de Russie, par voie de terre, par les marchands Russes, à Tien-tsin, y acquitteront un droit d'importation équivalent aux deux tiers des droits établis par le Tarif.

Les marchandises importées de Russie à Sou-tcheou (Tsia-yu-kouan) payeront, dans cette ville, les mêmes droits et seront soumises aux mêmes règlements qu'à Tien-tsin.

ARTICLE VI.

Si les marchandises laissées à Kalgan, et qui y ont acquitté les droits d'entrée, n'y sont point vendues, leur propriétaire pourra les expédier à Toun-tcheou ou à Tien-tsin, et la douane, sans percevoir de nouveaux droits, restituera au marchand un tiers du droit d'entrée payé à Kalgan, en faisant une annotation correspondante sur le permis délivré en ce cas par la douane de Kalgan.

Les négociants Russes peuvent expédier sur les marchés de l'intérieur les marchandises laissées à Kalgan et qui y ont acquitté les droits d'entrée, en se conformant aux conditions générales établies pour le commerce étranger en Chine, après acquittement d'un droit de transit (*i.e.*, la moitié des droits spécifiés dans le Tarif). Il sera délivré pour ces marchandises un permis de transport qui doit être exhibé à toutes les douanes et barrières situées sur la route. Les marchandises non accompagnées de ce permis auront à acquitter les droits aux douanes qu'elles traverseront, et le li-kin aux barrières.

ARTICLE VII.

Les marchandaises importées de Russie à Sou-tcheou (Tsia-yu-kouan) peuvent être expédiées sur les marchés de l'intérieur, aux conditions stipulées dans l'Article IX du présent Règlement, pour les marchandises expédiées de Tien-tsin en destination des marchés de l'intérieur.

ARTICLE VIII.

S'il était constaté, lors de la visite douanière des marchandises importées de Russie à Tien-tsin, que les marchandises spécifiées dans le permis ont été retirées des colis et remplacées par d'autres, ou bien que leur quantité (déduction faite de ce qui en aura été laissé à Kalgan) est inférieure au chiffre indiqué dans le permis, toutes les marchandises présentées à la visite seront confisquées par la douane.

Il est entendu que les colis avariés en route, et qui, par suite de cela, auront subi un réemballage, ne seront pas sujets à confiscation, si toutefois le fait d'avarie a été dûment déclaré à la douane la plus proche, et si cette dernière, après constatation de l'état intact de la marchandise primitivement expédiée, a fait une annotation correspondante sur le permis.

Seront sujettes à confiscation les marchandises dont il sera constaté qu'une partie a été vendue en chemin.

Si les marchandises ont été transportées par les voies détournées, afin de les soustraire aux visites des douanes établies sur les routes indiquées à l'Article III, le propriétaire en sera passible d'une amende égale au droit d'importation entier.

Si l'infraction aux règlements susmentionnés a été commise à l'insu et sans la participation du propriétaire de la marchandise, par les voituriers, les douanes, en fixant l'amende, prendront cette circonstance en considération. Cette disposition se rapporte exclusivement aux localités traversées par le commerce Russe par voie de terre, et ne saurait être appliquée à des cas analogues qui se produiraient dans les ports et dans l'intérieur des provinces.

En cas de confiscations des marchandises, le négociant a le droit de libérer celles-ci moyennant le versement d'une somme équivalente à leur valeur, dûment déterminée par une entente avec les autorités Chinoises.

ARTICLE IX.

A l'exportation de Tien-tsin, par mer, en destination de quelque autre port Chinois ouvert par les Traités au commerce étranger, des marchandises importées de Russie par voie de terre, la douane de Tien-tsin prélève sur ces marchandises un tiers des droits entiers fixés par le Tarif, en sus des deux tiers déjà perçus. Aucun droit ne sera prélevé sur ces marchandises dans les autres ports.

Les marchandises exportées de Tien-tsin, ou des autres ports, en destination des marchés intérieurs, seront frappées du droit de transit (*i.e.*, la moitié des droits spécifiés dans le Tarif) d'après les dispositions générales établies pour le commerce étranger.

ARTICLE X.

Les marchandises Chinoises, exportées de Tien-tsin en Russie par les marchands Russes, doivent être dirigées sur Kalgan par la voie indiquée à l'Article III.

Il sera prélevé sur ces marchandises, à leur sortie, des droits d'exportation entiers. Toutefois, les marchandises de réimportation achetées à Tien-tsin, ainsi que celles achetées dans un autre port, et expédiées, en transit, à Tien-tsin, pour exportation en Russie, étant accompagnées d'un reçu de la douane constatant le payement des droits de sortie, n'en seront pas frappées une seconde fois, et le demi-droit de réimportation (droit côtier), versé à Tien-tsin, sera restitué au marchand si les marchandises qui auront acquitté ce droit sont exportées en Russie dans le délai d'un an après le versement de ce droit.

Le Consul de Russie délivre, pour le transport des marchandises en Russie, un permis portant indication, en langues Russe et Chinoise, du nom du propriétaire de la marchandise, du nombre des colis et des marchandises qu'ils contiennent. Ces permis seront

visés par la douane du port et devront accompagner les marchandises pour être exhibés lors de la visite de celles-ci aux douanes établies sur la route.

On se conformera aux règles détaillées à l'Article III quant au délai dans lequel le permis doit être présenté à la douane pour être annulé, et pour les cas de perte de permis.

Les marchandises doivent suivre la voie indiquée à l'Article III et ne devront pas être vendues en route ; l'infraction à cette règle entraînera, pour le marchand, l'application des pénalités indiquées à l'Article VIII. La visite des marchandises aux douanes situées sur la route se fera conformément aux règles indiquées à l'Article III.

Les marchandises Chinoises que les marchands Russes achèteront à Sou-tcheou (Tsia-yu-kouan), ou qu'ils y amèneront des marchés de l'intérieur en destination de la Russie, auront à acquitter, à leur exportation de Sou-tcheou en Russie, les droits fixés pour les marchandises exportées de Tien-tsin, et seront soumises aux règlements établis pour ce port.

ARTICLE XI.

Les marchandises achetées à Toun-tcheou auront à acquitter, à leur exportation en Russie par voie de terre, les droits de sortie entiers, selon le Tarif.

Les marchandises achetées à Kalgan acquitteront dans cette ville, à leur exportation en Russie, un droit équivalent à la moitié des droits spécifiés dans le Tarif.

Quant aux marchandises achetées par les négociants Russes sur les marchés intérieurs et importées à Toun-tcheou et Kalgan, pour être exportées de là en Russie, elles seront, en outre, frappées de droits de transit, conformément aux règles générales établies pour le commerce étranger sur les marchés intérieurs.

Les douanes locales des villes ci-dessus énumérées, après avoir prélevé les droits, délivreront au marchand un permis pour le transport des marchandises. Pour les marchandises exportées de Toun-tcheou, ce permis sera délivré par la douane de Dounba, à laquelle se feront la demande de ce permis, ainsi que le versement des droits que les marchandises auront à acquitter. Il sera fait mention dans le permis de la défense de vendre les marchandises en route.

Les règles détaillées à l'Article 3, relatives aux permis, à la visite des marchandises, &c., se rapportent également aux marchandises exportées des localités énumérées dans le présent Article.

ARTICLE XII.

Les marchandises de provenance étrangère exportées en destination de la Russie, par voie de terre, de Tien-tsin, de Toun-tcheou, de Kalgan, et de Sou-tcheou (Tsia-yu-kouan), n'auront pas de droits d'acquitter si le marchand produit un reçu de la douane *accusant* payement des droits d'importation et de transit sur ces

marchandises. Si elles n'ont acquitté que les droits d'entrée, la douane compétente réclamera, en outre, du négociant, le versement du droit de transit fixé par le Tarif.

ARTICLE XIII.

Les marchandises importées en Chine pour les marchands Russes, ou exportées par eux, acquitteront les droits de douane selon le Tarif Général établi pour le commerce étranger en Chine, et selon le Tarif Additionnel établi en 1862 pour le commerce Russe.

Les marchandises non énumérées dans l'un ou dans l'autre de ces Tarifs seront imposées d'un droit de 5 pour cent. *ad valorem*

ARTICLE XIV.

Seront admis, en franchise de droits, à l'importation et à l'exportation les articles suivants :—

L'or et l'argent en lingots, la monnaie étrangère, les farines de toutes espèce, la sagou, les biscuits, les viandes et les légumes en conserves, le fromage, le beurre, les produits de confiserie, les vêtements étrangers, les objets de joaillerie et l'argenterie, les parfums et les savons de toute espèce, le charbon de bois, le bois de chauffage, les bougies de fabrication étrangère, le tabac et les cigares étrangers, les vins, la bière, les boissons spiritueuses, les provisions et utensiles de ménage, employés dans les maisons et sur les navires, le bagage des voyageurs, les fournitures de chancellerie, les articles de tapisserie, la coutellerie, les médicaments étrangers, la verroterie, et les objets en cristal.

Les articles ci-dessus énumérés passeront en franchise de droits, à leur entrée et à leur sortie par voie de terre ; mais s'ils sont expédiés, des villes et des ports mentionnés dans le présent Règlement, sur les marchés intérieurs, ils seront frappés d'un droit de transit au taux de 2½ pour cent. *ad valorem*. Seront, toutefois, exempts du payement de ce droit : le bagage de voyageurs, l'or et l'argent en lingots, et la monnaie étrangère.

ARTICLE XV.

Sont prohibés tant pour l'importation que pour l'exportation, et sont sujets à confiscation dans le cas de transport en contrebande, les articles suivants :—

La poudre, les munitions d'artillerie, les canons, les fusils, les carabines, les pistolets, et toutes les armes à feu. Les engins et munitions de guerre, le sel, l'opium.

Les sujets Russes se rendant en Chine pourront avoir, chacun pour leur défense personnelle, un fusil ou un pistolet, ce dont mention devra être faite dans le permis dont ils seront porteurs.

L'importation, par les sujets Russes, du salpêtre, du soufre, et du plomb, n'est admise que sur une autorisation spéciale des autorités Chinoises, et ces articles ne pourront être vendus qu'aux sujets Chinois qui auront reçu un permis d'achat spécial.

L'exportation du riz et de la monnaie de cuivre Chinoise est prohibée. Par contre, l'importation du riz et de toutes les céréales est autorisée en franchise de droits.

ARTICLE XVI.

Il est interdit aux négociants Russes de transporter les marchandises appartenant à des commerçants Chinois en les faisant passer pour leur propriété.

ARTICLE XVII.

Les autorités Chinoises auront le droit de prendre telles mesures que seront nécessaires contre le commerce de contrebande.

Fait à Saint Pétersbourg, le $\frac{12}{24}$ Février, 1881.

(L.S.) NICOLAS DE GIERS.
(L.S.) EUGÈNE BUTZOW.
(L.S.) TSÊNG.

ANNEXE *à l'Article 2 du Règlement pour le Commerce par Voie de Terre.*

LISTE des Points-Frontières par lesquels pourront passer les sujets Russes, se rendant en Chine pour Affaires de Commerce.

	Postes Russes.	Postes Chinois.
1.	Staro-Tsouroukhaïtuoïsky.	Khouboltchjikhou.
2.	Tsagan-Oloïevsky.	Tzérintou.
3.	Klioutchevsky.	Mookghèdzèghè.
4.	Kouloussoutaïevsky	Ouliantou.
5.	Tchassoutchéïevsky.	Dorolok.
6.	Douroulgouïevsky.	Khorine-narassou.
7.	Tokhtorsky.	Khouratsa.
8.		Baïandarga.
9.	Achinginsky.	Achinga.
10.	Mentzinsky.	Mindza.
11.	Charagolsky.	Ouïagla.
12.	Koudarinsky.	Koudara.
13.	Kiakhta.	Kiakhta.
14.	Botsiisky.	Khara-khoutchjir.
15.	Jeltourinsky.	Tchjirghètey.
16.	Kharatsaïsky.	Ortokho.
17.	Khamneïsky.	Irektchilam.
18.	Klioutchevskoï.	Ouïoulet.
19.	Khanghinsky.	Byltys.
20.	Okinsky.	Tsaï-gool.
21.		Tchjintchjilik
22.		Joustyt.
23.		Souok.
24.		Tsagan-obo.
25.		Bourgassoutaï.
26.		Khabar-ousson.
27.		Bakhty.
28.		Kaptagaï.
29.		La passe Kok-sou.
30.		Khorgos.
31.		La passe Bèdèl.
32.		La passe Tèrèkty.
33.		La passe Tourougarte.
34.		La passe Souïok.
35.		Irkèchtam.

La présente liste de points de passage pourra être modifiée par une entente entre l'Envoyé de Russie à Pékin et le Ministère des Affaires Étrangères de Chine, d'après les données relatives aux avantages de ces points qui leur seront fournies par les Consuls de Russie et par les autorités frontières Chinoises. Ces modifications porteront sur l'exclusion de certains points qui seront reconnus superflus, ou sur leur remplacement par d'autres, plus nécessaires au mouvement du commerce.

(L.S.) NICOLAS DE GIERS.
(L.S.) EUGÈNE BUTZOW.
(L.S.) TSÊNG.

(No. 86.) CORRESPONDENCE. *Guarantee of Russia not to take Corean Territory, in event of British Evacuation of Port Hamilton, and of China that neither Port Hamilton nor any part of Corean Territory should be occupied by another Power, in event of such evacuation. October—December*, 1886.

(1).—*The Tsung-li Yamên to Sir J. Walsham.*

(Translation.) *Peking, October* 31, 1886.

THE Prince and Ministers of the Tsung-li Yamên have the honour to refer Her Britannic Majesty's Minister to the personal consultations which have earlier taken place between Mr. O'Conor, Chargé d'Affaires, and the Yamên on the subject of the Corean islands of Port Hamilton; also to the communications of his Excellency Tsêng to Her Majesty's Government, who were informed by him that this matter was one that greatly concerned a tributary State of China.

In due course a reply was received from Her Majesty's Foreign Office, to the effect that the occupation of the islands in question was a measure of a temporary nature, and that it carried with it no intention whatsoever of doing anything injurious to the prestige, rights, and interests of either China or her vassal state. Further, that there was no desire to occupy these islands for any length of time, but that it was feared that, if they were taken possession of by another Power, it must infallibly be injurious to the interests both of England and of China. If China could guarantee that no one would come and take these islands, the British Government could feel reassured.*

A long time has now elapsed, and British vessels of war continue to hold these islands, thus giving rise to embarrassing questions from without.

For instance, rumours have recently been disseminated from Corea that Russia was interfering with China's feudatory. The Chinese Government accordingly demanded an explanation from Russia as to the existence or otherwise of this fact, and in due course the Russian Foreign Office gave the Chinese Minister Liu

* Port Hamilton was temporarily occupied by a British naval force in May, 1885. See Parliamentary Paper, China, No. 1 (1887).

the most frank assurances that the Russian Government had absolutely no such intentions. M. Ladygensky, the Russian Chargé d'Affaires at Peking, further went to Tientsin at the orders of the Russian Foreign Office, and had several personal conversations with the Grand Secretary Li, Minister Superintendent of Northern Trade, to whom he repeated and enlarged upon the answer earlier given to the Minister Liu. He also stated that the Russian Government gave a sincere promise that if the British would evacuate Port Hamilton, the Russian Government would not occupy Corean territory under any circumstances whatsoever.

The Grand Secretary Li, Minister Superintendent of Northern Trade, then told M. Ladygensky that what was feared was that after the British vessels of war had retired from these islands they would be again taken possession of by some other Power. Russia, therefore, must guarantee that she would not hereafter seize these islands, and on the faith of this guarantee China could officially address the British Government, and urge their speedy evacuation.

In course of time M. Ladygensky, in obedience to instructions from the Russian Government, gave a most explicit guarantee, distinctly declaring that in the future Russia would not take Corean territory.

The Chinese Government is therefore naturally in a position, on the faith of the guarantee of the Russian Government, to give a guarantee to the British Government, and in making this communication, as is their bounden duty, to Her Britannic Majesty's Minister, they would express a hope that he will lose no time in communicating the above particulars to Her Majesty's Government, with a view to the issue of orders for the evacuation of Port Hamilton by their vessels of war, so that friendly relations may thereby be consolidated, this being a matter to which importance is attached.

(2).—*Sir J. Walsham to the Tsung-li Yamên.*

Peking, December 23, 1886.

In a note dated the 19th ultimo, his Highness the President and their Excellencies the Ministers of the Tsung-li Yamên notified to Her Britannic Majesty's Minister that the Imperial Government of China, for the special reasons recorded in the note, were in a position to guarantee that in the event of Her Majesty's Government terminating the temporary occupation of Port Hamilton, neither the group of Corean Islands in which Port Hamilton is situated, nor any part of Corean territory, should be occupied by another Power, and a hope was expressed that the British naval force might therefore be withdrawn.

The substance of this note was at once telegraphed to Her Majesty's Government, and Her Majesty's Minister has been in-

structed to make known to his Highness and their Excellencies that on the faith of this guarantee Her Majesty's Government will be prepared to comply with the wishes of the Chinese Government, which have now been officially formulated.*

Her Majesty's Minister has the honour to inclose, for the information of the Prince and Ministers, a copy of the note which he has addressed to the Government of His Corean Majesty for the purpose of intimating to them this decision on the part of Her Majesty's Government, and he avails himself, &c.

JOHN WALSHAM.

(3).—*Sir J. Walsham to the President of the Corean Council.*

M. le Président, *Peking, December* 23, 1886.

In compliance with the wish expressed by the Government of His Corean Majesty in the note which they did me the honour to address me on the 4th July, I communicated to Her Majesty's Government, as in my reply of the 5th August I stated I would do, the observations contained in that note with regard to the temporary occupation of Port Hamilton, and, in obedience to instructions from Her Majesty's Government, I now hasten to inform your Excellency that the exceptional circumstances which led to the occupation having happily ceased, Her Majesty's Government will be prepared to terminate it conformably to their original intentions.

This decision has been strengthened by a formal guarantee given to them by the Imperial Chinese Governement, that in the event of the temporary occupation ceasing, neither the group of islands in which Port Hamilton is situated nor any part of Corean territory shall be occupied by another Power.

I should have been glad to have had it in my power to make this communication personally to your Excellency, but the lateness of the season will oblige me to defer my visit to Corea till the spring of next year.

His Excellency the Commander-in-Chief of Her Majesty's Naval Forces will let your Excellency know, through Her Majesty's Consul-General at Söul, the date of his having withdrawn the ships from Port Hamilton.

I avail, &c.,

JOHN WALSHAM.

* The British Flag which had been hoisted at Port Hamilton in May, 1885, was hauled down on the 27th February, 1887.

(No. 87.) *CONVENTION between Russia and China respecting the junction of the Russian Land Telegraph Lines with the Chinese Telegraph Lines. Signed at Tientsin, 13/25th, August,* 1892.*

ARTICLE I.

Les Gouvernements de Russie et de Chine, en vue de faciliter les relations télégraphiques des deux États, ont résolu d'effectuer une jonction directe des lignes télégraphiques Russes avec celles de la Chine aux conditions suivantes :

ARTICLE II.

Les raccordements suivants auront à être effectués :

(*a*) Entre la station Russe à Novokievsk et la station Chinoise à Huntchun.

(*b*) Entre la station Russe à Blagoviestchensk et la station Chinoise à Hélampo.

(*c*) Entre la station Russe à Kiakhta et la station Chinoise qui sera établie dans la ville Chinoise sur la Kaikhta (Maimaitcheng).

(*d*) Sur les autres points où les lignes Russes et les lignes Chinoises se rapprocheraient et où la jonction serait reconnue utile par les deux Gouvernements Contractants.

ARTICLE III.

La jonction entre Novokievsk et Huntchun devra être effectuée immédiatement après la signature de la présente Convention.

La jonction entre Blagoviestchensk et Hélampo devra être effectuée dès l'arrivée sur place et la pose du câble fluvial nécessaire, mais dans tous les cas, pas plus tard que dans le courant de six mois à dater du jour de la signature de la présente Convention.

La jonction à Kiakhta devra être effectuée dès que l'Administration des Télégraphes Chinois aura terminé la construction de la ligne Pékin et Kiakhta, mais dans tous les cas pas plus tard que dans le courant de cinq ans à dater du jour de la signature de la présente Convention.

ARTICLE IV.

L'Administration des Télégraphes Russes et l'Administration des Télégraphes Chinois organiseront, maintiendront en bon état et desserviront les lignes mentionnées,—chacune d'elles sur le territoire lui appartenant et dont l'inviolabilité devra être strictement observée.

Les deux Administrations prendront sur elles, à parties égales,

* Ratified by the Emperor of Russia, 22nd December, 1892. / 3rd January, 1893.

les dépenses provoquées par l'établissement et l'entretien du câble fluvial sur la rivière Amour entre Blagoviestchensk et Hélampo ; ce câble sera la propriété commune des deux Gouvernements.

ARTICLE V.

Les dispositions des Conventions Télégraphiques Internationales et du Règlement en vigueur seront appliquées à la correspondance télégraphique et à la transmission des télégrammes et les dispositions qui pourront être, éventuellement, adoptées pour la correspondance transmise par la voie des câbles sousmarins entre la Russie et la Chine seront simultanément appliquées aux lignes aériennes Russo-Chinoises.

Les télégrammes de service, se rapportant au service télégraphique international et expédiés par les Administrations Télégraphiques, devront être transmis en franchise.

Les Administrations Télégraphiques de la Russie et de la Chine prendront, chacune de son côté, toutes les mesures indispensables pour la transmission rapide, régulière et ininterrompue de la correspondance internationale sur toutes les lignes stipulées dans l'Article II de la présente Convention.

ARTICLE VI.

La Russie et la Chine fixent les taxes à percevoir pour la transmission des télégrammes sur leurs lignes jusqu'à la frontière à la condition toutefois que pendant la durée de la Convention actuelle les taxes établies par l'Article VII ne pourront être modifiées qu'après entente entre les deux Parties.

Conformément aux principes contenus dans le Règlement international en vigueur, les deux Parties Contractantes se déclarent d'accord que dans le cas où sur d'autres lignes ou câbles des taxes inférieures à celles établies par la présente Convention seraient établies pour la transmission des télégrammes internationaux, ces mêmes taxes inférieures seront simultanément adoptées sur les lignes Russo-Chinoises.

ARTICLE VII.

Les taxes télégraphiques pour les jonctions mentionnées et stipulées dans l'Article II sont fixées ainsi qu'il suit :

RUSSIE.

A.—*Taxes terminales.*

	fr.	c.	
1. Pour les télégrammes échangés entre la Russie d'Asie et toute la Chine	1	73	par mot.
2. Pour les télégrammes échangés, entre la Russie d'Europe, le Caucase y compris, et toute la Chine	2	73	,,

B.—*Taxes de transit.*

Pour tous les télégrammes	3	0	,,

CHINE.

A.—*Taxes terminales.*

	fr.	c.	
1. Pour les télégrammes échangés entre quelque partie que cela soit de la Chine et la Russie d'Europe, le Caucase y compris, et la Russie d'Asie	2	0	par mot.
2. Pour les télégrammes échangés entre quelque partie que cela soit de la Chine et l'Europe (à l'exception de la Russie) et les pays situés au delà de l'Europe	5	50	,,

B.—*Taxes de transit.*

1. Pour les télégrammes échangés entre l'Europe (la Russie exceptée) et les pays au delà de l'Europe,—d'un côté et tous les autres pays de l'autre côté	5	50	,,
2. Pour tous les autres télégrammes, y compris ceux échangés avec la Russie	2	0	,,

Sur les 5 fr. 50 c. mentionnées sub Lit. A. et B., la Chine paye les taxes existantes, revenant aux différentes contrées d'Europe, dans la proportion indiquée par le Règlement télégraphique international en vigueur et par les tarifs.

La taxe générale pour les télégrammes échangés entre l'Europe (la Russie exceptée) et les pays au delà de l'Europe, d'un côté, et les quatre ports: Shanghai, Foochow, Amoy, et Hong Kong et les places avoisinantes où sont atteris actuellement les câbles sous-marins de la Société Télégraphique de l'autre côté, ne doit pas être, pour les lignes Russo-Chinoises, inférieure à celle établie pour les mêmes télégrammes transmis par les câbles de la Société Télégraphique, voie de Vladivostock.

Dans le cas où pendant la durée de la présente Convention la taxe sur les câbles de la Société Télégraphique qui relient les ports de Shanghai, Foochow, Amoy, et Hong Kong aux lignes Russes serait réduite pour les télégrammes échangés entre toute la Chine (Hong Kong y compris) et l'Europe, et les pays situés au delà de l'Europe, la Chine s'engage à réduire simultanément et pour le même montant ses taxes terminales et de transit pour les mêmes télégrammes transmis par les lignes terrestres Russo-Chinoises.

Les taxes établies pour les correspondances entre la Russie et la Chine s'adaptent uniquement à la correspondance effectivement échangée entre les deux États voisins, et la correspondance Chinoise-Européenne ne peut pas être retélégraphiée au même taux par les agences particulières ou les particuliers aux stations intermédiaires.

ARTICLE VIII.

L'enrégistrement de la correspondance dans les livres et la révision des inscriptions aura lieu journellement, par fil télégraphique, entre les stations voisines des lignes qui seront raccordées, conformément à l'Article II.

Le règlement des comptes s'effectuera à l'expiration de chaque mois, et le solde devra être payé à Tientsin dans le courant des *21 jours* qui suivront le mois auquel ce solde se rapporte.

Les télégrammes concernant le règlement des comptes, faisant partie de la correspondance de service, seront transmis en franchise.

Le mois sera calculé suivant le calendrier Européen.

ARTICLE IX.

Les paiements seront effectués en taëls Hongping. Le cours est fixé de la façon suivante : 4 fr. 25 c. équivalent à un dollar Mexicain et cent dollars Mexicain équivalent à 70 taëls Hongping.

ARTICLE X.

Les présentes stipulations seront mises à exécution à partir du jour de leur signature et demeureront en vigueur jusqu'au 31 Décembre, 1902.

En foi de quoi les Réprésentants des Hautes Parties Contractantes ont signé la présente Convention et y ont apposé leurs sceaux respectifs.

Fait à Tientsin en douze exemplaires, dont trois en langue Russe, trois en langue Mantchoue, trois en langue Chinoise, et trois en langue Française. Des quatre textes, dûment confrontés et trouvés concordants, le texte Français fera foi pour l'interprétation de la présente Convention.

Le 13 Aout, 1892, correspondant au 4e jour de la 7e lune de la 18e année du règne de Kouang-su.

(L.S.) COMTE CASSINI, *l'Envoyé Extraordinaire et Ministre Plénipotentiaire de Russie.*

(L.S.) COMTE LI, *le Commissaire Impérial Premier Grand Sécretaire d'État, Vice-Roi de la province du Tché-li.*

(**No. 88.**) *AGREEMENT between China and Russia respecting the Lease of Port Arthur and Talienwan. Signed at Peking, 27th March,* 1898.*

(Translation.)

On the 6th day of the 3rd moon of the 24th year of Kuang Hsü (27th March, 1898), His Majesty the Emperor of China especially deputed the Grand Secretary, Li, and the Vice-President of the Board of Revenue, Chang, as Plenipotentiaries to settle the matters connected with the loan of Port Arthur and Talienwan with the Russian Chargé d'Affaires,† Pavloff.

* As published in Parliamentary Paper. China, No. 1 (1899), page 128. See also Additional Agreement of 7th May, 1898 (**No. 89**), and Treaty of Peace between Japan and Russia of 5th September, 1905 (**No. 115**), Article V.

† The form of reference to the Russian Chargé d'Affaires shows beyond any doubt that this is not the original text.

The Convention drawn up is as follows :—

ARTICLE I.

Lease of Port Arthur and Talienwan.

In order for the protection of the Russian fleet, and (to enable it) to have a secure base on the north coast of China, His Majesty the Emperor of China agrees to lease to Russia Port Arthur, Talienwan, and the adjacent waters. But this lease is to be without prejudice to China's authority* in that territory.

ARTICLE II.

Limits.

†The boundary of the territory leased in pursuance of the foregoing extends from Talienwan northward in accordance with the requirements (of the situation) on land, and of the protection of the territory, and permission shall be given for its being placed at whatever distance may be necessary.

The exact boundary and the other details of this Convention, shall be jointly arranged at St. Petersburg with Hsü Ta-jên, after the signature of this Convention, with all possible expedition, and a separate special Article drawn up. After the boundary has been decided, all the territory included in it, and the adjacent waters, shall be entirely handed over to Russia to use under lease.

ARTICLE III.

Term of Lease.

The term of lease is fixed as twenty-five years from the date of signature. On expiration an extension of the term may be arranged between the two countries.

ARTICLE IV.

Administration.

Within the term fixed, in the territory leased to Russia, and in the adjacent waters, all movements of forces, whether naval or military, and (the appointment of high officials to govern the districts, shall be entirely left to Russian officers, one man being made responsible,‡ but he is not to have the title of Governor-General or Governor.

Chinese Troops and Residents.

No Chinese troops of any kind whatever are to be allowed to be stationed within this boundary. Chinese within the boundary may leave or remain at their pleasure, and are not to be driven away.

* *Probably* "sovereign rights" are meant. † See **No. 89.**
‡ Text requires amendment.

Chinese Criminals.

Should any criminal cases occur, the criminal is to be handed over to the nearest Chinese official to be punished according to law, in accordance with the arrangement laid down by the VIIIth Article of the Russian-Chinese Treaty of the 10th year of Hsien Fêng (1860) (**No. 82**).

ARTICLE V.

Neutral Territory.

*To the north of the territory leased there shall be left a piece of territory, the extent of which is to be arranged by Hsü Ta-jên and the Russian Foreign Office. This piece is to be entirely left to Chinese officials, but no Chinese troops are to enter it, except after arrangement with the Russian officials.

ARTICLE VI.

Port Arthur a Closed Port.

The Governments of the two countries agree that, as Port Arthur is solely a naval port, only Russian and Chinese vessels are to be allowed to use it, and it is to be considered a closed port as far as the war and merchant-vessels of the other Powers are concerned.

Talienwan a Trading Port.

As to Talienwan, with the exception of a part within the port which, like Port Arthur, is to be reserved for the use of Russian and Chinese men-of-war, the remainder is to be a trading port, where the merchant-vessels of all countries can freely come and go.

ARTICLE VII.

Russia definitely recognizes the territory leased, †but Port Arthur and Talienwan are of special importance. (As to) provision of funds, she will herself erect what buildings are required for the naval or military forces, for the erection of batteries, or barracks for the garrisons, and generally provide all the funds required.

ARTICLE VIII.

Railways.

The Chinese Government agrees‡ that the principle of the permission given in the 22nd year of Kuang Hsü (1896) to the Manchurian Railway Company for the construction of a railway shall now, from the date of signature, be extended to the

* See **No. 89.**

† There is certainly some omission here in the text.

‡ This appears to be the meaning of the text, but the construction throughout this Article is very incoherent.

construction of a branch line from a certain station on the aforesaid main line to Talienwan, or, if necessity requires, the same principle shall be extended to the construction of a branch line from the main line to a convenient point on the sea-coast in the Liaotung Peninsula, between Ying-tzu (Newchwang) and the Yalu River.

The provisions of the Agreement of the 8th September, 1896, between the Chinese Government and the Russo-Chinese Bank shall be strictly observed with regard to the branch line above mentioned. The direction of the line and the places it is to pass shall be arranged by Hsü Ta-jên and the Manchurian Railway Company. But this railway concession is never to be used as a pretext for encroachment on Chinese territory, nor to be allowed to interfere with Chinese authority or interests.

ARTICLE IX.

Ratifications.

This Convention shall come into force from the date of exchange* [*sic*] by the Plenipotentiaries of both countries. After Imperial ratification exchange shall take place at St. Petersburg.

(No. 89.) *ADDITIONAL AGREEMENT between China and Russia respecting the Boundaries of Port Arthur and Talienwan, &c.—St. Petersburg, 7th May,* 1898.†

(Translation.)

THE Governments of Russia and China being desirous of adding some stipulations to the Treaty concluded at Peking on the 15th March, 1898 (Russian Calendar) (**No. 88**), the Plenipotentiaries of both Governments have agreed upon the following :—

ARTICLE I. In accordance with the IInd Article of the original Treaty the northern territory leased and yielded to Russia—Port Arthur, Talienwan, and the Liaotung Peninsula—shall commence from the north side of A-tang Bay on the west coast of Liaotung and shall pass through the ridge of A-tang Mountain (the mountain ridge being included in the leased ground) to the east coast of Liaotung near the north side of Pi-tzu-wo Bay. Russia shall be allowed the use of all the waters adjacent to the leased territory and all the islands around it.

Both countries shall appoint special officers to survey the ground and determine the limits of the leased territory.

* Probably these are errors in the text: "Shall come into force on signature, ratifications to be exchanged at St. Petersburg" is a probable emendation

† As published in Parliamentary Paper. China, No. 1 (1899), page 188. *See* Treaty of Peace between Japan and Russia of 5th September, 1905, (**No. 115**), *Article V.*

ART. II. To the north of the boundary fixed in Art. I, there shall, in accordance with Art. V of the Peking Treaty, be a neutral ground, the northern boundary of which shall commence on the west coast of Liaotung at the mouth of the Kai-chou River, shall pass north of Yu-yen-ch'âng to the Ta-yang River, and shall follow the left bank of that river to its mouth, which shall be included in the neutral territory.

ART. III. The Russian Government consents that the terminus of the branch line connecting the Siberian Railway with the Liaotung Peninsula shall be at Port Arthur and Talienwan, and at no other port in the said peninsula.

It is further agreed in common that railway privileges in districts traversed by this branch line shall not be given to the subjects of other Powers. As regards the railway which China shall [may] herself build hereafter from Shan-hai-kuan in extension to a point as near as [lit. nearest to] possible to this branch line, Russia agrees that she has nothing to do with it.

ART. IV. The Russian Government assents to the request of the Chinese Government that the Administration and police of the City of Kinchow shall be Chinese. Chinese troops will be withdrawn from Kinchow and replaced by Russian troops. The inhabitants of the city have the power to use the roads from Kinchow to the north boundary of the leased territory, and the waters usually required near the city, but they have no power to use the sea-coast round about.

ART. V. The Chinese Government agrees [lit. agrees to recognize]:

1. That without Russia's consent no concession will be made in the neutral ground for the use of subjects of other Powers.

2. That the ports on the sea-coast east and west of the neutral ground shall not be opened to the trade of other Powers.

3. And that without Russia's consent no road and mining concessions, industrial and mercantile privileges shall be granted in the neutral territory.

(No. 90.) *AGREEMENT between China and Russia respecting Manchuria. Signed at Peking, 26th March,* 1902.*

[Signed in Russian, French, and Chinese.

(Translation.)

His Majesty the Emperor and Autocrat of All the Russias, and His Majesty the Emperor of China, with the object of re-establishing and confirming the relations of good neighbourhood, which were disturbed by the rising in the Celestial Empire of the year 1900, have appointed their Plenipotentiaries to come to an agree-

* Parliamentary Paper. China, No. 2 (1904), page 36.

ment on certain questions relating to Manchuria. These Plenipotentiaries, furnished with full powers, which were found to be in order, agreed as follows :—

ARTICLE I.

His Imperial Majesty the Emperor of Russia, desirous of giving fresh proof of his peaceable and friendly disposition towards His Majesty the Emperor of China, and overlooking the fact that attacks were first made from frontier posts in Manchuria on peaceable Russian Settlements, agrees to the re-establishment of the authority of the Chinese Government in that region, which remains an integral part of the Chinese Empire, and restores to the Chinese Government the right to exercise therein governmental and administrative authority, as it existed previous to the occupation by Russian troops of that region.

ARTICLE II.

In taking possession of the governmental and administrative authority in Manchuria, the Chinese Government confirms, both with regard to the period and with regard to all other Articles, the obligation to observe strictly the stipulations of the Contract concluded with the Russo-Chinese Bank on the 27th August, 1896, and in virtue of paragraph 5 of the above-mentioned Contract, takes upon itself the obligation to use all means to protect the railway and the persons in its employ, and binds itself also to secure within the boundaries of Manchuria the safety of all Russian subjects in general and the undertakings established by them.

The Russian Government, in view of these obligations accepted by the Government of His Majesty the Emperor of China, agrees on its side, provided that no disturbances arise and that the action of other Powers should not prevent it, to withdraw gradually all its forces from within the limits of Manchuria in the following manner :—

(*a*) Within six months from the signature of the Agreement to clear the south-western portion of the Province of Mukden up to the River Liao-che of Russian troops, and to hand the railways over to China.

(*b*) Within further six months to clear the remainder of the Province of Mukden and the Province of Kirin of Imperial troops.

(*c*) Within the six months following to remove the remaining Imperial Russian troops from the Province of Hei-lung-chiang.

ARTICLE III.

In view of the necessity of preventing in the future any recurrence of the disorders of last year, in which Chinese troops stationed on the Manchurian frontier also took part, the Imperial Russian and Chinese Governments shall undertake to instruct the Russian military authorities and the Tsiang-Tsungs, mutually to come to an agree-

ment respecting the numbers and the disposition of the Chinese forces until the Russian forces shall have been withdrawn. At the same time the Chinese Government binds itself to organize no other forces over and above those decided upon by the Russian military authorities and the Tsiang-Tsungs as sufficient to suppress brigandage and pacify the country.

After the complete evacuation of Manchuria by Russian troops, the Chinese Government shall have the right to increase or diminish the number of its troops in Manchuria, but of this must duly notify the Russian Government, as it is natural that the maintenance in the above-mentioned district of an over large number of troops must necessarily lead to a reinforcement of the Russian military force in the neighbouring districts, and thus would bring about an increase of expenditure on military requirements undesirable for both States.

For police service and the maintenance of internal order in the districts outside those parts allotted to the Eastern Chinese Railway Company, a police guard, under the local Governors ("Tsiang-Tsungs"), consisting of cavalry and infantry, shall be organized exclusively of subjects of His Majesty the Emperor of China.

ARTICLE IV.

The Russian Government agrees to restore to the owners the Railway Shanhaikwan–Newchwang–Sinminting, which, since the end of September, 1900, has been occupied and guarded by Russian troops. In view of this, the Government of His Majesty the Emperor of China binds itself :—

1. In case protection of the above-mentioned line should be necessary, that obligation shall fall exclusively on the Chinese Government, which shall not invite other Powers to participate in its protection, construction, or working, nor allow other Powers to occupy the territory evacuated by the Russians.

2. The completion and working of the above-mentioned line shall be conducted in strict accordance with the Agreement between Russia and England of the 16th April, 1899 (**No. 104**), and the Agreement with the private Corporation respecting the loan for the construction of the line. And furthermore, the Corporation shall observe its obligations not to enter into possession of or in any way to administer the Shanhaikwan–Newchwang–Sinminting line.

3. Should, in the course of time, extensions of the line in Southern Manchuria, or construction of branch lines in connection with it, or the erection of a bridge in Newchwang, or the moving of the terminus there, be undertaken, these questions shall first form the subject of mutual discussion between the Russian and Chinese Governments.

4. In view of the fact that the expenses incurred by the Russian Government for the repair and working of the Shanhaikwan–New-

chwang–Sinminting line were not included in the sum total of damages, the Chinese Government shall be bound to pay back the sum which, after examination with the Russian Government, shall be found to be due.

The stipulations of all former Treaties between Russia and China which are not affected by the present Agreement shall remain in force.

The Agreement shall have legal force from the day of its signature by the Plenipotentiaries of both States.

The exchange of ratifications shall take place in St. Petersburg within three months from the date of the signature of the Agreement.

For the confirmation of the above, the Plenipotentiaries of the two Contracting Powers have signed and sealed two copies of the Agreement in the Russian, French, and Chinese languages. Of the three texts, which, after comparison, have been found to correspond with each other, that in the French language shall be considered as authoritative for the interpretation of the Agreement.

Done in Peking in duplicate, the 26th March, 1902.

(No. 91.) *TREATY of Amity, Commerce, and Navigation between China and Spain. Signed at Tientsin, 10th October,* 1864*.

[Signed in Spanish and Chinese.]

[Ratifications exchanged at Tientsin, May 10, 1867.]

(Translation.)

Preamble.

ARTICLE I.

Peace and Friendship. Protection of Persons and Property.

[Same as Denmark, **No. 38,** Art. I.]

ARTICLE II.

Appointment of Diplomatic Agents. Privileges and Immunities. Expenses of Mission to be borne by Spanish Government.

Her Majesty the Queen of Spain may, if she thinks necessary, appoint a Diplomatic Agent at the Court of Peking, and His Majesty the Emperor of China may likewise, should he desire to do so, appoint a Diplomatic Agent at the Court of Madrid.

The respective agents of Spain and China shall reciprocally enjoy, in the place of their residence, such privileges and immunities as are

* "State Papers." Vol. 60. Page 474.

conceded to them by the Law of Nations: their persons, families, houses, and correspondence shall be inviolable.

No obstacle shall be placed in their way in the choice and employment of assistants, couriers, interpreters, servants, &c.

All expenses whatsoever, that may be incurred by the Diplomatic Missions, shall be defrayed by their respective Governments.

The Chinese authorities shall grant to the Diplomatic Agent of Spain all necessary facilities for hiring land or a suitable house in the capital if he is to reside there.

ARTICLE III.

Freedom of Spanish Diplomatic Agents to Travel. Receipt and Transmission of Correspondence. Privileges to Couriers.

[Same as Great Britain, **No. 6,** Art. IV, §1.]

ARTICLE IV.

Appointment of Consuls. Communications between Consuls and Chinese Authorities. Foreign Consuls, non-traders, may act as Spanish Consuls.

[Similar to Great Britain, **No. 6,** Art. VII, with the following addition:]

Consuls to be non-traders.

The said functionaries must be officers of the Spanish Government, and paid by it, and must not be traders.

At ports of no great mercantile importance to Spain, the Spanish Government shall be at liberty to place their Consulate in the hands of the Consul of another nation, provided he be not a trader.

ARTICLE V.

Ports open to Spanish Merchant Vessels.

It is agreed that the merchant vessels of Spain shall be allowed to frequent the following ports:—Newchwang, Tientsin, Chefoo, Shanghai, Ningpo, Foochow, Amoy, Tainan-fu, and Tam-sui in the Island of Formosa; Canton, Swatow, Kiungchow, in the Island of Hainan; Chinkiang, Hankow, and Kiukiang on the Yang-tsze River, and Nanking.

Freedom of Trade in open Ports; and to build or rent Houses, Lease Lands, and build Churches, Hospitals, and Cemeteries.

[Similar to Great Britain, **No. 6,** Art. XI.]

ARTICLE VI.

Religious Toleration.

Inasmuch as the Christian religion inculcates the practice of virtue, and teaches men to do unto others as they would that

others should do unto them, those persons who teach or profess it shall be entitled to the protection of the Chinese authorities, and shall neither be persecuted nor molested, so long as they prosecute their mission peacefully and do not contravene the laws.

ARTICLE VII.

Passports.

[Similar to Great Britain, **No. 6,** Art. IX, with the following addition:]

Passports shall not be issued for any places in rebellion against the Government until peace shall be re-established.

ARTICLE VIII.

Agreements for lease of Lands for building Churches, &c., to be made equitably.

Whenever a Spanish subject may be desirous of building or opening store-houses, churches, hospitals, or cemeteries, in a port or other locality, the contracts for the purchase or hire of such properties shall be effected upon the conditions most generally in use amongst the Chinese people, according to equity and without payment of any impost by any of the parties. It must be understood that only in ports opened to commerce will permission be given for the establishment of store-houses.

ARTICLE IX.

Mutual employment of Chinese and Spanish Subjects.

The Chinese Government will not place any obstacle in the way of Spanish subjects employing Chinese subjects in any legitimate occupation; upon the same principle, Chinese subjects may take Spanish subjects into their employ.

ARTICLE X.

Hire of Chinese Labourers for Spanish Colonies. Exception in case of Deserters and others.*

The Imperial authorities will allow Chinese subjects, who are desirous of seeking employment in the Spanish colonies, to enter into contracts with Spanish subjects for the purpose; and such Chinese subjects shall be at liberty to embark, either alone or with their families, at any of the open ports of China. The local authorities in conjunction with the representatives of Her Catholic Majesty shall establish at each port the necessary regulations for the protection of the aforesaid labourers.

* Abrogated (with the exception of the paragraph relating to deserters) by Article I of Convention of 17th November, 1877 (**No. 92**).

Deserters, or persons who have been engaged against their will, cannot be taken; if such a case should occur, the local authority shall apply to the Consul to return them.

ARTICLE XI.

Hire of Boats by Spanish Subjects. No Monopoly. Smuggling.

[Same as Great Britain, **No. 6**, Art. XIV.]

ARTICLE XII.

Consular Jurisdiction. Disputes between Spanish Subjects. Jurisdiction in Disputes between Spanish and Foreign Subjects. Jurisdiction in Cases in which Chinese Subjects are parties.

[Similar to Denmark, **No. 38**, Art. XV.]

ARTICLE XIII.

Chinese Criminals to be punished by Chinese Authorities, and Spanish Criminals by Spanish Authorities.

[Similar to Great Britain, **No. 6**, Art. XVI, with the following addition:]

In the case of grave offences, such as homicide, robbery with serious wounds, attempts against life, arson, &c., the offender, after the proper investigation shall have taken place, shall be forwarded to Manila, there to be punished according to the laws of Spain.

ARTICLE XIV.

Disputes between Spaniards and Chinese. Consular Intervention.

[Similar to Great Britain, **No. 6**, Art. XVII.]

ARTICLE XV.

Protection of Persons and Property.

[Similar to Great Britain, **No. 6**, Art. XVIII.]

ARTICLE XVI.

Prevention of Piracy. Punishment for neglect of Duty.

[Similar to Great Britain, **No. 6**, Art. XIX, with the following addition:]

If the Chinese authority, whose duty it may be to apprehend the offenders and recover the property, should fail to do so, he shall be punished according to Chinese law, but he shall not be obliged to make good the loss.

ARTICLE XVII.

Wrecks.

[Similar to Great Britain, **No. 6**, Art. XX.]

ARTICLE XVIII.

Surrender of Chinese Criminals.

Any Chinese subject who may have committed a crime, and who may in any Chinese port have sought asylum in the house of a Spanish subject, or on board a Spanish vessel, shall, so far from being received and concealed, be handed over to the Chinese authorities, upon the latter claiming him from the Spanish Consul who may be established at the port.

Surrender of Spanish Deserters.

In the same way, if any Spanish sailor or sailors should desert from his or their vessel, and take refuge in any Chinese house, or on board any Chinese ship, the local authority, upon receiving the application of Her Catholic Majesty's Agent, shall, without loss of time, take the necessary steps for discovering the fugitive, and, when arrested, shall deliver him over to the aforesaid Agent of the Spanish Government.

ARTICLE XIX.

Chinese and Spanish fraudulent Debtors.

[Similar to Great Britain, **No. 6,** Art. XXII, with the following addition:]

But in neither case shall the respective Governments be called upon to indemnify the creditor.

ARTICLE XX.

Tonnage Dues. Certificate of Exemption.

[Similar to Great Britain, **No. 6,** Art. XXIX, § 1, with the following additions:]

The Custom-House Superintendent shall in every case be bound to give a certificate, specifying the amount of tonnage dues paid.

For the execution of this Article it is to be understood that the tonnage admeasurement is to be calculated according to the English standard.

ARTICLE XXI.

Import and Export Duties. Most-favoured-nation Treatment.

[Similar to Great Britain, **No. 6,** Art. XXIV.]

ARTICLE XXII.

Import Duties due on landing; and Export Duties on Shipment of Goods.

[Same as Great Britain, **No. 6,** Art. XXV.]

ARTICLE XXIII.

Duration and Revision of Treaty and Tariff.

[Same as Great Britain, **No. 6,** Art. XXVII.]

ARTICLE XXIV.

Transit Dues.

[Same as Belgium, **No. 34,** XXXIII.]

ARTICLE XXV.

Certificates on payment of Tonnage Dues.

Any Spanish vessel that may be despatched from one open port in China to another such port, or to Hong Kong or Macao, shall be entitled to receive a Custom-House certificate which will exempt it from a fresh payment of tonnage dues during a period of four months reckoned from the date of its despatch.

ARTICLE XXVI.

Tonnage Dues. Exemption from Payment in certain cases.

[Similar to Portugal, **No. 73,** Art. XXIII.]

ARTICLE XXVII.

Boats used for conveyance of Passengers, &c., exempt from Tonnage Duties.

[Similar to Portugal, **No. 73,** Art. XXIV.]

ARTICLE XXVIII.

Lights, Buoys, or Light-Ships.

[Similar to Great Britain, **No. 6,** Art. XXXII.]

ARTICLE XXIX.

Duties to be paid in Sycee Silver or Foreign Coin.

[Similar to Great Britain, **No. 6,** Art. XXXIII.]

ARTICLE XXX.

Standard Weights and Measures to be deposited at each Consulate.

[Similar to Great Britain, **No. 6,** Art. XXXIV.]

ARTICLE XXXI.

Pilots.

[Same as Great Britain, **No. 6,** Art. XXXV.]

ARTICLE XXXII.

Custom-House Guards.

[Similar to Great Britain, **No. 6,** Art. XXXVI.]

ARTICLE XXXIII.

Liability of Vessels entering Port. Ships' Manifests and Bills of Lading.

[Similar to Great Britain, **No. 6,** Art. XXXVII.]

ARTICLE XXXIV.

Discharge of Ship. Penalty for Discharging without permission.

[Same as Great Britain, **No. 6,** Art. XXXVIII.]

ARTICLE XXXV.

Goods shipped or landed without Permits liable to Confiscation.

[Same as Great Britain, **No. 6,** Art. XXXIX.]

ARTICLE XXXVI.

Trans-shipments.

[Same as Great Britain, **No. 6,** Art. XL.]

ARTICLE XXXVII.

Port-clearances.

[Same as Great Britain, **No. 6,** Art. XLI.]

ARTICLE XXXVIII.

Mode of levying ad valorem *Duties.*

[Same as Great Britain, **No. 6,** Art. XLII.]

ARTICLE XXXIX.

Mode of Levying Duties on Goods.

[Same as Great Britain, **No. 6,** Art. XLIII.]

ARTICLE XL.

Reduction of Duty on damaged Goods.

[Same as Great Britain, **No. 6,** Art. XLIV.]

ARTICLE XLI.

Re-exportation of Duty-paid Goods.

Every Spanish merchant who, after having imported goods into any of the open ports, and paid the corresponding duties, may subsequently be desirous of re-exporting them, may ask permission of the Superintendent of Customs, who, with the view of prevent-

ing fraud, shall direct his officers to ascertain whether the duties paid on the aforesaid goods, as shown in the Custom-House books, correspond with those demanded, and whether the goods retain the original marks. If, in the said examination, the Custom-House discovers any fraud, the goods may be confiscated by the Chinese Government.

Drawback Certificates.

When this requirement has been attended to, the Spanish merchant shall, upon re-exporting foreign goods for a foreign port, or for a Chinese port, be entitled to a certificate of import duties which he has paid.

When, within the term of one year, any Chinese product is re-exported to a foreign country, the Spanish merchant shall be entitled to a certificate of the amount of charge paid for the said article, under the head of Coasting Trade.

These certificates shall be received at the Custom-House of the port where they have been issued in payment of import or export duties.

Foreign Grain.

Foreign grain which may have been brought to any of the ports of China by a Spanish vessel, can be re-exported without difficulty, if no part of it has been unloaded.

ARTICLE XLII.

Prevention of Fraud and Smuggling.

[Same as Great Britain, **No. 6,** Art. XLVI.]

ARTICLE XLIII.

Intercourse with non-open Ports forbidden. Vessels and Cargo liable to Confiscation.

Spanish merchant vessels can only frequent those ports of China which in this Treaty have been declared open for commerce. They are consequently prohibited from entering other ports, and likewise from carrying on clandestine trade on the coasts of China or of the Yang-tsze River; vessels which infringe this regulation shall, with their cargoes, be liable to confiscation by the Chinese Government.

ARTICLE XLIV.

Coasting Trade. Drawback Certificates.

It is lawful for Spanish vessels to carry Chinese products along the coast, from one port to another open to trade, on paying the tariff duties at the place of embarkation, and those of the coasting trade (the amount of which will be half the tariff dues) at the port where the discharge takes place.

If a Spanish merchant should, within the term of one year, re-export to a Chinese port on the coast, Chinese products pro-

ceeding from some other port on the same, he shall be entitled to a certificate showing the amount of coasting trade dues paid (which is half that of the tariff duties) and shall not be required to pay any export duties at the time of loading; but at the time of unloading the said goods at the port of debarkation, he must pay again half the amount of the tariff duty.

ARTICLE XLV.

Smuggling. Confiscation of Cargo.

[Similar to Great Britain, **No. 6**, Art. XLVIII.]

ARTICLE XLVI.

Penalties and Confiscations to belong to Chinese Government.

[Same as Great Britain, **No. 6**, Art. XLIX.]

ARTICLE XLVII.

Trade of Chinese with Philippine Islands. Most-favoured-nation Treatment.

Chinese merchant vessels, without limitation of number, shall be at liberty to trade with the Philippine Islands, and shall be treated as those of the most-favoured nation. Should Spain hereafter concede any fresh advantages to the merchants of another nation, Chinese merchants shall enjoy them like the merchants of the most-favoured nation.

ARTICLE XLVIII.

Facilities to Spanish Ships of War. Piracy, &c.

[Same as Great Britain, **No. 6**, Art. LII.]

ARTICLE XLIX.

Conveyance of Provisions, Arms, and Munitions of War to Chinese Rebels and Pirates forbidden. Confiscation of Vessel and Cargo.

No Spanish merchant or vessel may carry to rebels or pirates any kind of provisions, arms, or munitions of war.

In case of contravention, the vessel and her cargo shall be confiscated, and the offender shall be delivered up to the Spanish Government to be punished with the utmost severity of the law.

ARTICLE L.

Most-favoured-nation Treatment to Spanish Government and Subjects.

There shall be extended to the Spanish Government and to Spanish subjects whatever advantages and immunities may be either now or hereafter conceded by the Chinese Government to any other nation, be it what it may; and in every respect Spain shall be treated in the Celestial Empire as the most-friendly and most-favoured nation.

ARTICLE LI.

Official Correspondence to be in Spanish and Chinese.

The official correspondence sent by the Spanish Diplomatic and Consular Agents to the Chinese Authorities shall be written in the Spanish language and shall be accompanied by a translation in Chinese.

Language of Treaty.

The present Treaty shall likewise be written out in Spanish and Chinese, with the two texts opposite to each other, and each nation shall be guided by the version written in its own language.

Forms of Official Correspondence.

The forms of the official correspondence between the Spanish and Chinese authorities shall be regulated according to the rank and position of the correspondents, on the basis of the most perfect reciprocity. Between the high Spanish functionaries and the high Chinese functionaries in the capital or elsewhere, the correspondence shall be in the form of despatch or note (chau juei); between Spanish subaltern functionaries and the chief provincial authorities, the form of statement (sheu cheu) shall be used in respect to the first, and, in respect to the latter, that of declaration (chau shing), and the other subaltern officers of the two nations, are to write to each other on terms of perfect equality.

Correspondence of Non-official Persons.

Merchants, and in general all individuals holding no official rank, shall, in addressing the Chinese authorities, use the form of a representation (ping cheu).

Whenever a Spanish subject may have to apply to the Chinese authority of a district, he must first of all take his application to the Consul, who, if he finds no objection, will have it delivered; in the contrary case, he will direct that it be written in other terms, or refuse to transmit it. In like manner, if a Chinese subject has to apply to the Consul of Spain, he can only do so through the Chinese authority, who will proceed in the same manner.

ARTICLE LII.

Ratifications.

The ratifications of the present Treaty, on the part of Her Majesty the Queen of Spain, and of His Majesty the Emperor of China, shall be exchanged at Tientsin or Shanghai within one year reckoned from the date when it is signed.

When the ratifications have been exchanged, the Chinese Government will give information of the Treaty to the superior

authorities of all the provinces, in order that they may carry it into complete execution.

In witness whereof the respective Plenipotentiaries have signed and sealed the present Treaty in quadruple at Tientsin, the 10th of October, 1864.

(L.S.) SINIBALDO DE MAS.
(L.S.) TCHUNG HO.
SHIE-JOAN.

(**No. 92.**) *CONVENTION between China and Spain for regulating the Emigration of Chinese Subjects to Cuba.* Signed at Peking, 17th November,* 1877.

[Signed in Spanish, French, and Chinese.]

[Ratifications exchanged at Peking, December 6, 1878.]

(Translation.)

His Majesty the King of Spain and His Majesty the Emperor of China, desiring to establish on a new basis the emigration of Chinese subjects to the Island of Cuba, and avoid all complications which might hereafter arise, have named their respective Plenipotentiaries, as follows :

His Majesty the King of Spain, Don Carlos Antonio de España, his Minister Plenipotentiary in China, Annam and Siam, Grand Cross of the Royal Order of Isabel the Catholic, Knight of the Orders of St. John of Jerusalem, and of the Netherland Lion, &c., and

His Majesty the Emperor of China their Excellencies Shen, Mao, Tung, Ch'eng, and Hsia, Members of the Tsung-li Yamên, who have agreed to the following :—

ARTICLE I.

The High Contracting Powers agree that the emigration of Chinese subjects according to contract, referred to in Article X of the Treaty signed at Tientsin the 10th October, 1864 (**No. 91**), is to be discontinued. Only that stipulation of the said Article which refers to the delivery of deserters, criminals, and accused to the authorities is to remain in force.

ARTICLE II.

The difficulties which had occasioned the application of the dispositions of the Treaty of Tientsin having disappeared in what relates to emigration, both Governments renounce their rights to any pecuniary indemnity.

* *Cuba* became an independent State, after the war between Spain and the *United States* of America, in 1898.

ARTICLE III.

The High Contracting Parties agree to consider that in future the emigration of their respective subjects, whether or not they be accompanied by their families, is to be free, and reprove any act of violence or deception committed at Ports in China or elsewhere for the purpose of inducing Chinese subjects to leave their country against their will. Both Governments engage to prosecute and rigorously punish any contravention of the above stipulation, and to submit to their respective laws the persons and the vessels who violate it.

The Government of His Majesty the King of Spain offers to that of China to treat the Chinese subjects now in Cuba, or those who may go there hereafter, as the subjects of the same standing of the most favoured foreign nation.

ARTICLE IV.

The Government of His Majesty the Emperor of China will allow in every port of the Empire open to foreign trade the shipment of emigrants who, on their own account, go to the Island of Cuba. It binds itself to offer no impediment to the free emigration of its subjects, and to forbid the port authorities, and above all the Taotais of the Custom-Houses, to raise any difficulties regarding the freight and arrangements of the vessels destined for transporting Chinese passengers, whatever their flag may be, nor to hinder the work of the shippers, consignees, and agents provided they act in conformity with the stipulations of the present Convention.

ARTICLE V.

It is understood that the Taotais of the Custom-Houses and other Chinese authorities of the ports open to trade have the right to ascertain, personally, if the emigration takes place in accordance with the spirit and letter of the present Convention.

The Taotais of Custom-Houses will have printed passports, and will grant them to the emigrants who desire to be shipped. These passports, duly visé by the Spanish Consul at the port of departure, will be forwarded to the Chinese Consuls by the proper authorities of the Island of Cuba on the arrival of the ships which may convey emigrants.

The Taotai of the Custom-House of the port of departure of the vessel conveying emigrants will have the right to name, in conjunction with the Spanish Consul, agents who may proceed on board in order to ascertain if the passengers have been shipped voluntarily.

The passengers who at the time of departure do not possess the necessary documents will be immediately landed. Notwithstanding this, if on the arrival of the vessel any passenger is found without

documents, the Spanish authorities, in conjunction with the Consuls of China, will act towards the same as they deem fit.

In order that the inspection already stated may be effected in a proper manner, the captain or owner is bound to declare beforehand the hour of the vessel's departure.

If the master of a vessel conveying emigrants should not submit to this condition, and try to sail without waiting for the delegate's inspection, the Spanish Consul, after having received official information, will refuse the ship's papers, and the vessel will be detained and treated in accordance with the law of the country to which it belongs.

ARTICLE VI.

The Government of His Majesty the Emperor of China will name a Consul-General at Havana, and will have the right to name Consular Agents wherever the Spanish Government admits those of other nations.

It is, however, understood that these appointments will be made in accordance with the stipulations made by common consent between both High Contracting Parties.

The Spanish Government will grant to Chinese Consuls the same prerogatives as those enjoyed by the Consuls of other nations in Cuba.

The authorities of the Island of Cuba will grant to the Consul-General and to the Consuls and Vice-Consuls of China all proper facilities in the exercise of their duties, and will place them in communication with their fellow-countrymen in order that they may have all the protection to which they are entitled.

ARTICLE VII.

Chinese subjects may leave the Island of Cuba when not under judicial supervision.

Besides, in order to facilitate the free circulation and the establishment of Chinese subjects in Cuba, and that they may enjoy the rights granted by Article III of the present Convention, the Spanish Government, in conjunction with the Representative of China at Madrid, or the authorities of Havana, in conjunction with the Chinese Consul-General, will establish regulations which, without being at variance with existing municipal laws or with those which may exist hereafter, may assure to the Chinese subjects the same treatment as that which is granted to the subjects of the most favoured nation. Spanish authorities will besides grant to Chinese subjects a ticket (*boletin de circulacion*) similar to those which are granted to other foreigners.

ARTICLE VIII.

Chinese subjects will have the right to apply to Spanish Courts to defend or to assert their rights, and in this respect they will

enjoy the same privileges as the subjects of the most favoured nation.

Chinese subjects will have the right to be accompanied to a Court by lawyers or interpreters, Spanish or foreign, who, in accordance with Spanish law, may be qualified to assist at the hearing of the tribunals, and they may be named by the Chinese Consuls resident in the Island of Cuba.

The complaints which the Chinese subjects residing at present in the Island of Cuba may present, relating to ill-treatment asserted to have been suffered prior to the date of the ratification of the present Convention, will be examined by the Spanish Courts, and equitably judged as if the matter related to subjects of the most favoured nation.

ARTICLE IX.

The competent authorities of the Island of Cuba and the Chinese Consul-General at Havana will establish, as soon as possible, conjointly, regulations for the Chinese emigrants at present residing in Cuba, and for those which may arrive hereafter, to which they must conform in order to obtain a certificate of their inscription at the Chinese Consulates.

The Consuls will grant them a certificate of registration, which will be visé by the chief of the police or any other competent authority of the district, city, or plantation of the place where the emigrant establishes himself.

The authorities of Cuba will give detailed information to the Chinese Consuls regarding the number and the names of Chinese existing in different localities of the island, and will facilitate the means necessary for personally ascertaining the condition of Chinese contracted as workmen in the different plantations.

ARTICLE X.

The shipment of emigrants is to take place only through vessels conforming to the stipulations of this Convention, and to the rules established in respect to transport arrangements, provisioning, and sanitary regulations required by the laws of the country.

ARTICLE XI.

The Government of His Majesty the King of Spain, anxious to prove its friendship and good wishes to His Majesty the Emperor of China, agrees to repatriate, at its own expense and so soon as the present Convention is ratified, persons who formerly had a literary occupation in China, as also those who had official standing, and the members of such families who may at present be in the Island of Cuba. Such a return to their native country will be affected in accordance with the facts furnished by Chinese Consular Agents duly verified by the Spanish authorities. Old men who, on account

of age, are unable to work, and who petition to return to China, as well as Chinese orphan girls who desire to return to their country, will be repatriated in like manner.

ARTICLE XII.

The Spanish Government will compel the masters of Chinese emigrants, whose contracts are terminated, to re-ship them to their native country in accordance with what they have stipulated, and to fulfil their engagements with the emigrants.

Regarding those who, having terminated their contract, have no right to demand their return to their country at the expense of their masters, and have no means to do so, the local authorities, in conjunction with the Chinese Consular Agents, will adopt what measures they may think best for their return.

The immigrants at present residing in the Island of Cuba, whose contracts are terminated, will receive as soon as this Convention is in force, a certificate wherein it will be stated that they have fulfilled their contracts. They will enjoy all the advantages granted to Chinamen by virtue of the regulations mentioned in Article VII of the present Convention, and they may at their will either remain in or leave the Island of Cuba.

ARTICLE XIII.

The authorities of the Island of Cuba, may, if necessary, and notwithstanding the above-mentioned regulations, forbid the circulation and the residence of Chinese subjects in districts where they may think proper, if they consider that too many persons in a particular locality may be prejudicial to public health. In this case the local authorities will act towards Chinese subjects as they would towards any other foreigners, and will inform the Chinese Consul of their decision.

ARTICLE XIV.

Workmen who have still duties to perform in conformity with their contracts must fulfil them, enjoying, however, respecting certificates, &c., the same advantages granted to their countrymen newly arrived, or who have terminated their contracts. Regarding Chinese subjects detained in the depôts of the Government of the Island of Cuba, liberty will be granted them so soon as this Convention is in force, documents will be given to them as provided for in the regulations, and they will be treated as other Chinamen.

From this clause are excepted those who are in the prisons of the Government in fulfilment of a sentence or in virtue of an accusation.

ARTICLE XV.

The Government of His Majesty the King of Spain and the Government of His Majesty the Emperor of China agree that if either think proper to modify any of the clauses of the present

Convention or to annul them, negotiations for this purpose will not take place till one year after one of the High Contracting Parties has notified its desire to do so. It is also agreed that if in future the Chinese Government grants to any other Power advantages not mentioned in the present Convention, as regards the emigration of Chinese subjects, these advantages will be also granted to the Spanish Government.

ARTICLE XVI.

The present Convention shall be ratified, and the ratifications exchanged at Peking within eight months or sooner if possible.

Signed at Peking in duplicate in Spanish, French, and Chinese, the copies compared and found to agree have been signed and sealed by the respective Plenipotentiaries the 17th of November, 1877.

(L.S.) CARLOS A. DE ESPAÑA.
(L.S.) SHEN, MAO, TUNG, CH'ENG AND HSIA.

(No. 93.) *TREATY of Peace, Amity, and Commerce between Sweden and Norway, and China. Signed at Canton, 20th March, 1847.**

[Signed in English and Chinese.]

[Accepted and confirmed by the King of Sweden and Norway at Stockholm, October 28, 1847.]

Preamble.

ARTICLE I.

Peace and Friendship.

There shall be a perfect, permanent, universal peace, and a sincere and cordial amity between the Kingdoms of Sweden and Norway on the one part, and the Ta Tsing Empire on the other part, and between their people respectively, without exception of persons or places.

ARTICLE II.

Import and Export Duties. Most-favoured-nation Treatment. Fees, &c., abolished. Modification of Tariff.

Subjects of His Majesty the King of Sweden and Norway, resorting to China for the purposes of commerce, will pay the duties of import and export prescribed in the tariff, which is fixed by and made a part of this Treaty. They shall, in no case, be subject to other or higher duties than are and shall be required of the people

* For Notes respecting the validity of Treaties concluded by Sweden and Norway, prior to the dissolution of the Union between those kingdoms, see "Hertslet's Commercial Treaties," Vol. 24, pages 807 and 1033.

of any other nation whatever. Fees and charges of every sort are wholly abolished, and the officers of the revenue who may be guilty of exaction shall be punished according to the laws of China. If the Chinese Government desire to modify, in any respect, the said tariff, such modifications shall be made only in consultation with Consuls or other functionaries thereto duly authorized by His Majesty the King of Sweden and Norway, and with consent thereof. And if additional advantages or privileges, of whatever description, be conceded hereafter by China to any other nation, Sweden and Norway and citizens thereof shall be entitled thereupon to a complete, equal, and impartial participation in the same.

ARTICLE III.

Ports open to Subjects and Commerce of Sweden and Norway. Trade with non-open Ports. Confiscation of Vessels and Cargoes.

The subjects of His Majesty the King of Sweden and Norway are permitted to frequent the five ports of Kwangchow,* Amoy, Foochow, Ningpo and Shanghai, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise to and from any foreign port and either of the said five ports, and from either of the said five ports to any other of them. But said vessels shall not unlawfully enter the other ports of China, nor carry on a clandestine and fraudulent trade along the coasts thereof. And any vessel belonging to a subject of His Majesty the King of Sweden and Norway, which violates this provision, shall, with her cargo, be subject to confiscation to the Chinese Government.

ARTICLE IV.

Appointment of Consuls. Correspondence between Consuls and Chinese Authorities.

For the superintendence and regulation of the concerns of Swedes and Norwegians, doing business at the said five ports, His Majesty the King of Sweden and Norway may appoint Consuls, or other officers, at the same, who shall be duly recognized as such by the officers of the Chinese Government, and shall hold official intercourse and correspondence with the latter, either personal or in writing, as occasions may require, on terms of equality and reciprocal respect. If disrespectfully treated or aggrieved in any way by the local authorities, said officers on the one hand shall have the right to make representation of the same to the superior officers of the Chinese Government, who will see that full inquiry and strict justice be had in the premises: and on the other hand the said Consuls will carefully avoid all acts of unnecessary offence to, and collision with, the officers and people of China.

* Canton.

ARTICLE V.

Freedom of Import and Export.

At each of the said five ports the subjects of His Majesty the King of Sweden and Norway, lawfully engaged in commerce, shall be permitted to import, from their own or any other ports, into China and sell there, and purchase therein, and export to their own and any other ports, all manner of merchandise of which the importation or exportation is not prohibited by this Treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

ARTICLE VI.

Ships' Papers to be lodged with the Consuls. Tonnage Dues.

Whenever any merchant vessel belonging to Sweden or Norway shall enter either of the said 5 ports for trade, her papers shall be lodged with the Consul, or person charged with affairs, who will report the same to the Commissioner of Customs; and tonnage duty shall be paid on same vessel at the rate of 5 mace per ton if she be over 150 tons burden; and 1 mace per ton if she be of the burden of 150 tons, or under, according to the amount of her tonnage as specified in the register; said payment to be in full of the former charges of measurement and other fees, which are wholly abolished. And if any vessel, which having anchored at one of the said ports, and there paid tonnage duty, shall have occasion to go to any other of the said ports to complete the disposal of her cargo, the Consul or person charged with affairs, will report the same to the Commissioner of Customs, who, on the departure of the said vessel, will note in the port clearance that the tonnage duties have been paid, and report the same to the other Custom-Houses; in which case, on entering another port, the said vessel will only pay duty there on her cargo, but shall not be subject to the payment of tonnage duty a second time.

ARTICLE VII.

Non-payment of Tonnage Dues on Boats conveying Passengers, &c. Tonnage Dues to be paid on Swedish and Norwegian Cargo Boats, but not on Boats hired from Chinese.

No tonnage duty shall be required on boats belonging to subjects of His Majesty the King of Sweden and Norway, employed in the conveyance of passengers, baggage, letters, and articles of provision, or others not subject to duty, to or from any of the 5 ports. All cargo boats, however, conveying merchandise subject to duty, shall pay the regular tonnage duty of 1 mace per ton, provided they belong to subjects of His Majesty the King of Sweden and Norway, but not if hired by them from subjects of China.

ARTICLE VIII.

Liberty to engage Pilots. Hire of Servants, &c.

Subjects of His Majesty the King of Sweden and Norway, for their vessels bound in, shall be allowed to engage pilots, who will report said vessels at the passes and take them into port, and when the lawful duties have all been paid, they may engage pilots to leave port. It shall also be lawful for them to hire at pleasure servants, compradors, linguists, and writers, and passage or cargo boats, and to employ labourers, seamen, and persons for whatever necessary service for a reasonable compensation, to be agreed on by the parties, or settled by application to the Consular Officer of their Government, without interference on the part of the local officers of the Chinese Government.

ARTICLE IX.

Custom-House Guards.

Whenever merchant-vessels, belonging to Sweden or Norway, shall have entered port, the Superintendent of Customs will, if he see fit, appoint Custom-House officers, to guard said vessels, who may live on board the ship, or their own boats, at their convenience; but provision for the subsistence of said officers shall be made by the Superintendent of Customs, and they shall not be entitled to any allowance from the vessel or owner thereof; and they shall be subject to suitable punishment for any exaction practised by them in violation of this regulation.

ARTICLE X.

Ships' Papers to be deposited within 48 hours. Forfeiture of Cargo discharged. Vessels leaving within 48 hours, without breaking bulk, not liable to Dues.

Whenever a merchant-vessel belonging to Sweden or Norway shall cast anchor in either of said ports, the supercargo, master, or consignee, will, within 48 hours, deposit the ship's papers in the hands of the Consul, or person charged with affairs of Sweden and Norway, who will cause to be communicated to the Superintendent of Customs a true report of the name and tonnage of such vessel, the names of her men and of the cargo on board, which being done the Superintendent will give a permit for the discharge of her cargo. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of 500 dollars; and the goods so discharged without permit shall be subject to forfeiture to the Chinese Government. But if the master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duties on such part only, and to proceed with the remainder to any other ports. Or, if the master so desire

he may within 48 hours after the arrival of the vessel, but not later, decide to depart without breaking bulk, in which case he will not be subject to pay tonnage or other duties or charges, until, on his arrival at another port, he shall proceed to discharge cargo, when he will pay the duties on vessel and cargo according to law. And the tonnage duties shall be held to be due after the expiration of said 48 hours.

ARTICLE XI.

Examination of Cargo by Customs Officers. Disputes to be referred to Consuls within 24 hours.

The Superintendent of Customs, in order to the collection of the proper duties, will, on application made to him through the Consul, appoint suitable officers, who shall proceed in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation, or laden for exportation on board any merchant-vessel of Sweden or Norway, and if dispute occur in regard to the value of goods, subject to an *ad valorem* duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may within 24 hours, and not afterwards, be referred to the said Consul, to adjust with the Superintendent of Customs.

ARTICLE XII.

Standard Weights and Measures to be delivered to Consuls.

Sets of standard balances, and also weights and measures, duly prepared, stamped and sealed, according to the standard of the Custom-House at Canton, shall be delivered by the Superintendent of Customs to the Consuls at each of the 5 ports to secure uniformity and prevent confusion in weights and measures of merchandise.

ARTICLE XIII.

Payment of Tonnage, Import, and Export Duties. Port Clearances. Duties to be paid in Sycee Silver or Foreign Money. Transit Dues.

The tonnage duty on vessels, belonging to subjects of His Majesty the King of Sweden and Norway, shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the Superintendent of Customs shall give a port clearance, and the Consul shall return the ship's papers, so that she may depart on her voyage. The duties shall be paid to the Shroffs, authorized by the Chinese Government to receive the same in its behalf. Duties, payable by subjects of His Majesty the King of Sweden and

Norway, shall be received either in Sycee silver, or in foreign money, at the rate of exchange as ascertained by the regulations now in force. And imported goods, on their re-sale or transit in any part of the Empire, shall be subject to the imposition of no other duty than they are accustomed to pay at the date of this Treaty.

ARTICLE XIV.

Trans-shipments.

No goods on board any Swedish or Norwegian merchant-vessel in port are to be trans-shipped to another vessel, unless there be particular occasion therefor; in which case the occasion shall be certified by the Consul to the Superintendent of Customs, who may appoint officers to examine into the facts and permit the trans-shipment. And if any goods be trans-shipped without such application, inquiry, and permit, they shall be subject to be forfeited to the Chinese Government.

ARTICLE XV.

Exclusive Trade with Hong Merchants abolished. No Monopolies.

The former limitation of the trade of foreign nations, to certain persons, appointed at Canton by the Government and commonly called Hong Merchants, having been abolished, subjects of His Majesty the King of Sweden and Norway, engaged in the sale or purchase of goods of import or export, are admitted to trade with any and all subjects of China, without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

ARTICLE XVI.

Chinese Government not responsible for Debts of Chinese Subjects. Consular Jurisdiction.

The Chinese Government will not hold itself responsible for any debts which may happen to be due from subjects of China to subjects of Sweden and Norway, or for frauds committed by them, but Swedes and Norwegians may seek redress in law; and on suitable representation being made to the Chinese local authorities through the Consul, they will cause due examination in the premises, and take all proper steps to compel satisfaction. But in case the debtor be dead, or without property, or have absconded, the creditor cannot be indemnified according to the old system of the Co-Hong so called; and if subjects of His Majesty the King of Sweden and Norway be indebted to subjects of China, the latter may seek redress in the same way through the Consul, but without any responsibility for the debt on the part of Sweden and Norway.

ARTICLE XVII.

Subjects of Sweden and Norway free to Hire Houses, Warehouses, &c., and to build Houses, &c., and Hospitals, Churches, and Cemeteries. Landing of Merchants, &c., at five Ports. Limits beyond which they cannot go.

Subjects of His Majesty the King of Sweden and Norway, residing or sojourning at any of the ports open to foreign commerce, shall enjoy all proper accommodation in obtaining houses and places of business, or in hiring sites from the inhabitants on which to construct houses and places of business and also hospitals, churches and cemeteries. The local authorities of the two Governments shall select in concert the sites for the foregoing objects, having due regard to the feelings of the people in the location thereof; and the parties interested will fix the rent by mutual agreement, the proprietors on the one hand not demanding any exorbitant price, nor the merchants on the other unreasonably insisting on particular spots, but each conducting with justice and moderation. And any desecration of said cemeteries by subjects of China shall be severely punished according to law.

At the places of anchorage of Swedish and Norwegian vessels, subjects of His Majesty the King of Sweden and Norway, merchants, seamen, or others, sojourning there, may pass and repass in the immediate neighbourhood, but they shall not at their pleasure make excursions into the country among the villages at large, nor shall they repair to public marts for the purpose of disposing of goods unlawfully, and in fraud of the revenue.

And, in order to the preservation of the public peace, the local officers of Government at each of the 5 ports shall, in concert with the Consuls, define the limits beyond which it shall not be lawful for subjects of His Majesty the King of Sweden and Norway to go.

ARTICLE XVIII.

Permission to learn Chinese Language. Purchase of Books.

It shall be lawful for subjects of His Majesty the King of Sweden and Norway to employ scholars and people of any part of China without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labours, and the persons so employed shall not for that cause be subject to any injury on the part either of the Government or of individuals, and it shall in like manner be lawful for subjects of His Majesty the King of Sweden and Norway to purchase all manner of books in China.

ARTICLE XIX.

Protection of Subjects of Sweden and Norway.

All subjects of His Majesty the King of Sweden and Norway in China peaceably attending to their affairs, being placed on a common footing of amity and goodwill with subjects of China,

shall receive and enjoy for themselves and everything appertaining to them, the special protection of the local authorities of Government, who shall defend them from all insult or injury of any sort on the part of the Chinese. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, will immediately despatch a military force to disperse the rioters, and will apprehend the guilty individuals, and punish them with the utmost rigour of the law.

ARTICLE XX.

Re-exportation to other Ports. Frauds on Chinese Government. Confiscation of Goods.

Subjects of His Majesty the King of Sweden and Norway who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same, in part or in whole, to any other of the said ports, shall be entitled to make application through their Consul to the Superintendent of Customs, who, in order to prevent frauds on the revenue, shall cause examination to be made by suitable officers, to see that the duties paid on such goods, as entered on the Custom-House books, correspond with the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of Customs of the other ports. All which being done, on the arrival in port of the vessel in which the goods are laden, and everything being found on examination there to correspond, she shall be permitted to break bulk and land the said goods, without being subject to the payment of any additional duty thereon. But if on such examination the Superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government.

ARTICLE XXI.

Jurisdiction. Crimes. Chinese to be punished by Chinese Authorities, and Swedish and Norwegian Subjects by their Consul.

Subjects of China, who may be guilty of any criminal act towards Swedish or Norwegian subjects, shall be arrested and punished by the Chinese authorities according to the laws of China; and subjects of Sweden or Norway who may commit any crime in China, shall be subject to be tried and punished only by the Consul or other public functionary of Sweden or Norway thereto authorized, according to the laws of his country. And, in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

ARTICLE XXII.

Freedom of Trade with five Ports in case of War between China and a Foreign Power, and with Ports of Belligerent Powers. Swedish and Norwegian Flag not to protect Enemy's Vessels. Confiscation of Offending Vessels.

Relations of peace and amity being established by this Treaty between the United Kingdoms of Sweden and Norway and the Chinese Empire, and the Swedish and Norwegian vessels being admitted to trade freely to and from the 5 ports of China open to foreign commerce, it is further agreed, that in case at any time hereafter China should be at war with any foreign nation whatever, and for that cause should exclude such nation from entering her ports, still the vessels of the United Kingdoms of Sweden and Norway shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent parties, full respect being paid to the neutrality of the flag of the United Kingdoms of Sweden and Norway, provided that the said flag shall not protect vessels engaged in the transportation of officers and soldiers in the enemy's service; nor shall said flag be fraudulently used to enable the enemy's ships with their cargoes to enter the ports of China; but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

ARTICLE XXIII.

Consuls to send yearly Returns to Chinese Authorities of Swedish and Norwegian Shipping, and Amount of Import and Export Trade.

The Consuls of Sweden and Norway that may be appointed at each of the 5 ports open to foreign trade, shall make annually to the respective Governors-General thereof a detailed report of the number of vessels belonging to the United Kingdoms of Sweden and Norway, which have entered and left said ports during the year, and of the amount and value imported and exported in such vessels for transmission to, and inspection of, the Board of Revenue.

ARTICLE XXIV.

Communications of Swedish and Norwegian Subjects with Chinese Authorities to be sent through the Consul, and of Chinese with Swedish and Norwegian Consul through Chinese Authorities. Controversies to be settled between respective Authorities.

If subjects of His Majesty the King of Sweden and Norway have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul, or other person charged with affairs, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate autho-

rities for their consideration and action in the premises. In like manner if subjects of China have special occasion to address the Consul of the United Kingdoms of Sweden and Norway, they shall submit the communication to the local authorities of their own Government, to determine if the language be respectful and proper, and the matter just and right, in which case the said authorities will transmit the same to the Consul, or other person charged with affairs, for his consideration and action in the premises. And if controversies arise between subjects of His Majesty the King of Sweden and Norway and subjects of China which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction.

ARTICLE XXV.

Rights of Swedish and Norwegian Subjects. Consular Jurisdiction. Chinese Authorities not to interfere in Controversies between Swedish and Norwegian Subjects and Subjects of other Governments.

All questions in regard to rights, whether of property or person, arising between subjects of His Majesty the King of Sweden and Norway in China, shall be subject to the jurisdiction and regulated by the authorities of their own Government. And all controversies occurring in China between subjects of Sweden and Norway and the subjects of any other Government shall be regulated by the Treaties existing between Sweden and Norway and such Governments respectively, without any interference on the part of China.

ARTICLE XXVI.

Merchant Vessels of Sweden and Norway. Consular Jurisdiction. Chinese Government not responsible for Injuries by Subjects of any Foreign Power. Punishment of Robbers and Pirates. Restoration of Property recovered. Chinese Government not responsible for Property not recovered.

Swedish and Norwegian merchant-vessels, lying in the waters of the 5 ports of China open to foreign commerce, will be under the jurisdiction of the officers of their own Government, who with the masters and owners thereof will manage the same without control on the part of China. For injuries done to the citizens, or to the commerce of Sweden and Norway by any foreign power, the Chinese Government will not hold itself bound to make reparation. But if Swedish or Norwegian merchant-vessels, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on receiving information thereof, will arrest the said robbers or pirates, and punish them according to law, and will cause all the property which can be recovered to be placed in the hands of the nearest Consul, or other officer of the United King-

doms of Sweden and Norway, to be by him restored to the true owner. But if by reason of the extent of territory and numerous population of China it should in any case happen that the robbers cannot be apprehended, or the property only in part recovered, then the law will take its course in regard to the local authorities, but the Chinese Government will not make indemnity for the goods lost.

ARTICLE XXVII.

Wrecks, &c.

If any Swedish or Norwegian vessel shall be wrecked or stranded on the coast of China and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, will immediately adopt measures for their relief and security, and the persons on board shall receive friendly treatment and be enabled at once to repair to the most convenient of the free ports, and shall enjoy all facilities for obtaining supplies of provisions and water. And if a vessel shall be forced in whatever way to take refuge in any port other than one of the free ports, then in like manner the persons on board shall receive friendly treatment and the means of safety and security.

ARTICLE XXVIII.

Embargo on Vessels and Property prohibited. Non-seizure or Detention for Public Service.

Subjects of His Majesty the King of Sweden and Norway, their vessels and property, shall not be subject to any embargo; nor shall they be seized or forcibly detained for any pretence of the public service; but they shall be suffered to prosecute their commerce, in quiet, and without molestation or embarrassment.

ARTICLE XXIX.

Apprehension and Delivery of Swedish and Norwegian Mutineers and Deserters. Chinese Criminals to be delivered up to Justice. Merchants, Seamen, and Subjects of Sweden and Norway. Consular Jurisdiction.

The local authorities of the Chinese Government will cause to be apprehended all mutineers or deserters from on board Swedish and Norwegian vessels in China, and will deliver them up to the Consuls or other officers for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels belonging to subjects of His Majesty the King of Sweden and Norway, they shall not be harboured or concealed, but shall be delivered up to justice, on due requisition by the Chinese local officers addressed to those of the United Kingdoms of Sweden and Norway.

The merchants, seamen, and other subjects of Sweden and Norway, shall be under the superintendence of the appropriate officers of their Government.

If individuals of either nation commit acts of violence and disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order and to maintain the public peace by doing impartial justice in the premises.

ARTICLE XXX.

Correspondence between Consuls and Chinese Authorities.

The superior authorities of Sweden and Norway and of China, in corresponding together, shall do so in terms of equality, and in the form of mutual communication (*chau hwui*). The Consuls and local officers, civil and military, in corresponding together, shall likewise employ the style and form of mutual communication (*chau hwui*). When inferior officers of the one Government address superior officers of the other, they shall do so in the style and form of memorial (*shin chin*). Private individuals, in addressing superior officers, shall employ the style of petition (*pin ching*). In no case shall any term or style be suffered which shall be offensive or disrespectful to either party.

Presents.

And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of Sweden and Norway by China or of China by Sweden and Norway.

ARTICLE XXXI.

Correspondence between Government of Sweden and Norway and Court of China.

Communications from the Government of Sweden and Norway to the Court of China shall be transmitted through the medium of the Imperial Commissioner charged with the superintendence of the concerns of foreign nations with China, or through the Governor-General of the Liang Kwang, that of Min and Cheh, or that of the Liang Kiang.

ARTICLE XXXII.

Intercourse between Commanders of Swedish and Norwegian Ships of War and Superior Local Authorities.

Whenever ships of war of Sweden and Norway, in cruising for the protection of the commerce of the United Kingdoms, shall arrive at any of the ports of China, the commanders of said ships and the superior local authorities of Government shall hold intercourse together in terms of equality and courtesy, in token of the friendly relations of their respective nations. And the said ships of war shall enjoy all suitable facilities on the part of the Chinese Government in the purchase of provisions, procuring water, and making repairs, if occasion require.

ARTICLE XXXIII.

Clandestine Trade with non-open Ports, and in Opium and Contraband Articles, to be dealt with by Chinese Government.

Subjects of His Majesty the King of Sweden and Norway who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese Government without being entitled to any countenance or protection from that of the United Kingdoms; and the Government of Sweden and Norway will take measures to prevent their flag from being abused by the subjects of other nations, as a cover for the violation of the laws of the Empire.

ARTICLE XXXIV.

Modification of Treaty after 12 years.

When the present Convention shall have been definitively concluded, it shall be obligatory on both powers, and its provisions shall not be altered without grave cause; but, inasmuch as the circumstances of the several ports of China open to foreign commerce are different, experience may show that inconsiderable modifications are requisite in those parts which relate to commerce and navigation, in which case the two Governments will, at the expiration of 12 years from the date of said Convention, treat amicably concerning the same by the means of suitable persons appointed to conduct such negotiation.

In faith whereof, we, the respective Plenipotentiaries of the United Kingdoms of Sweden and Norway and of the Ta Tsing Empire as aforesaid, have signed and sealed these presents.

Done at Canton the 20th day of March, in the year of our Lord Jesus Christ 1847, and of Taou Kwang the 27th year, 2nd month, and 4th day.

(L.S.) C. F. LILJEVALCH.
(L.S.) TSI-YENG (in Manchu).

[Here follows the Tariff of Duties to be levied on Imported and Exported Merchandise at the five Ports.]

The Treaty between the United States and China, signed at Wang-hia, 3rd July, 1844 (see Edition of 1896), was replaced by the Treaty of 18th June, 1858 (**No. 94**). In the United States "Compilation of Treaties in Force, 1904," it is stated that the Treaty of 1858 was negotiated as a substitute, but Articles VII, XII, XV, XXIII, XXVIII, and XXXIV are given, as they are not referred to in the substituted Treaty of 1858. As the terms of the

United States Treaty of 1844 are practically identical with those of the Treaty between Sweden and Norway and China, signed at Canton, 20th March, 1847 (**No. 93**), it is not considered necessary to repeat them in the present Edition.

(**No. 94.**) *TREATY of Peace, Friendship, and Commerce between China and the United States. Signed at Tientsin, 18th June,* 1858.*

[Ratifications exchanged, August 16, 1859.]

Preamble.

ARTICLE I.

Peace and Friendship.

There shall be, as there have always been, peace and friendship between the United States of America and the Ta-Tsing Empire, and between their people, respectively. They shall not insult or oppress each other for any trifling cause, so as to produce an estrangement between them; and if any other nation should act unjustly or oppressively, the United States will exert their good offices, on being informed of the case, to bring about an amicable arrangement of the question, thus showing their friendly feelings.

ARTICLE II.

Originals of Treaty to be kept at Peking and Washington.

In order to perpetuate friendship, on the exchange of ratifications by the President, with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of China, this Treaty shall be kept and sacredly guarded in this way, viz.: The original Treaty, as ratified by the President of the United States, shall be deposited at Peking, the capital of His Majesty the Emperor of China, in charge of the Privy Council; and, as ratified by His Majesty the Emperor of China, shall be deposited at Washington, the capital of the United States, in charge of the Secretary of State.

ARTICLE III.

Publication of Treaty.

In order that the people of the two countries may know and obey the provisions of this Treaty, the United States of America agree, immediately on the exchange of ratifications, to proclaim the same and to publish it by proclamation in the Gazettes where the laws of the United States of America are published by authority; and His Majesty the Emperor of China, on the exchange of ratifications, agrees immediately to direct the publication of the same at the capital and by the Governors of all the provinces.

* See also Convention 8th November, 1858 (**No. 95**).

ARTICLE IV.

Correspondence between United States Diplomatic Representative and Chinese Government and Authorities.

In order further to perpetuate friendship, the Minister or Commissioner, or the highest diplomatic representative of the United States of America in China, shall at all times have the right to correspond on terms of perfect equality and confidence with the officers of the Privy Council at the capital, or with the Governors-General of the two Kwangs, the provinces of Fuh-kien and Chehkiang or of the two Kiangs; and whenever he desires to have such correspondence with the Privy Council at the capital, he shall have the right to send it through either of the said Governors-General or by the general post; and all such communications shall be sent under seal, which shall be most carefully respected. The Privy Council and Governors-General, as the case may be, shall in all cases consider and acknowledge such communications promptly and respectfully.

ARTICLE V.

Residence of Minister of United States and Suite.

The Minister of the United States of America in China, whenever he has business, shall have the right to visit and sojourn at the Capital of His Majesty, the Emperor of China, and there confer with a member of the Privy Council, or any other high officer of equal rank deputed for that purpose, on matters of common interest and advantage. His visits shall not exceed one in each year, and he shall complete his business without unnecessary delay. He shall be allowed to go by land or come to the mouth of the Peiho, into which he shall not bring ships-of-war, and he shall inform the authorities at that place in order that boats may be provided for him to go on his journey. He is not to take advantage of this stipulation to request visits to the capital on trivial occasions. Whenever he means to proceed to the capital he shall communicate, in writing, his intention to the Board of Rites at the capital, and thereupon the said board shall give the necessary directions to facilitate his journey and give him necessary protection and respect on his way. On his arrival at the capital he shall be furnished with a suitable residence prepared for him, and he shall defray his own expenses; and his entire suite shall not exceed 20 persons, exclusive of his Chinese attendants, none of whom shall be engaged in trade.

ARTICLE VI.

Residence of Minister at Peking. Most-favoured-nation Treatment.

If at any time His Majesty the Emperor of China shall, by Treaty voluntarily made, or for any other reason, permit the representative of any friendly nation to reside at his capital for a long

or short time, then, without any further consultation or express permission, the representative of the United States in China shall have the same privilege.

ARTICLE VII.

Correspondence between United States Consuls and Chinese Authorities.

The superior authorities of the United States and of China in corresponding together shall do so on terms of equality and in form of mutual communication (*chauhwui*). The consuls and the local officers, civil and military, in corresponding together shall likewise employ the style and form of mutual communication (*chauhwui*). When inferior officers of the one Government address superior officers of the other they shall do so in the style and form of memorial (*shin chin*). Private individuals in addressing superior officers, shall employ the style of petition (*pin-ching*). In no case shall any terms or style be used or suffered which shall be offensive or disrespectful to either party.

Presents.

And it is agreed that no presents, under any pretext or form whatever, shall ever be demanded of the United States by China, or of China by the United States.

ARTICLE VIII.

Interviews between United States Representative and Chinese Authorities.

In all future personal intercourse between the representative of the United States of America and the Governors-General or Governors, the interviews shall be had at the official residence of the said officers or at their temporary residence, or at the residence of the representative of the United States of America, whichever may be agreed upon between them; nor shall they make any pretext for declining these interviews. Current matters shall be discussed by correspondence, so as not to give the trouble of a personal meeting.

ARTICLE IX.

Intercourse with United States Ships of War. Pirates.

Whenever national vessels of the United States of America, in cruising along the coast and among the ports opened for trade for the protection of the commerce of their country or for the advancement of science, shall arrive at or near any of the ports of China, commanders of said ships and the superior local authorities of Government shall, if it be necessary, hold intercourse on terms of equality and courtesy, in token of the friendly relations of their respective nations; and the said vessels shall enjoy all suitable facilities on the part of the Chinese Government in procuring provisions or other supplies and making necessary repairs. And the

United States of America agree that in case of the shipwreck of any American vessel, and its being pillaged by pirates, or in case any American vessel shall be pillaged or captured by pirates on the seas adjacent to the coast, without being shipwrecked, the national vessels of the United States shall pursue the said pirates, and if captured deliver them over for trial and punishment.

ARTICLE X.

Appointment of United States Consuls.

The United States of America shall have the right to appoint Consuls and other commercial agents for the protection of trade, to reside at such places in the dominions of China as shall be agreed to be opened, who shall hold official intercourse and correspondence with the local officers of the Chinese Government (a Consul or Vice-Consul in charge taking rank with an intendant of circuit or a prefect), either personally or in writing, as occasions may require, on terms of equality and reciprocal respect. And the Consuls and local officers shall employ the style of mutual communication. If the officers of either nation are disrespectfully treated or aggrieved in any way by the other authorities, they have the right to make representation of the same to the superior officers of the respective Governments, who shall see that full inquiry and strict justice shall be had in the premises. And the said Consuls and agents shall carefully avoid all acts of offence to the officers and people of China. On the arrival of a Consul duly accredited at any port in China, it shall be the duty of the Minister of the United States to notify the same to the Governor-General of the province where such port is, who shall forthwith recognize the said Consul, and grant him authority to act.

ARTICLE XI.

Protection of United States Citizens and Property. Punishment of Chinese and Citizens of United States by respective Authorities.

All citizens of the United States of America in China, peaceably attending to their affairs, being placed on a common footing of amity and good will with subjects of China, shall receive and enjoy for themselves and everything appertaining to them the protection of the local authorities of Government, who shall defend them from all insult or injury of any sort. If their dwellings or property be threatened or attacked by mobs, incendiaries, or other violent or lawless persons, the local officers, on requisition of the Consul, shall immediately despatch a military force to disperse the rioters, apprehend the guilty individuals, and punish them with the utmost rigour of the law. Subjects of China guilty of any criminal act towards citizens of the United States shall be punished by the Chinese authorities according to the laws of China; and

citizens of the United States, either on shore or in any merchant vessel, who may insult, trouble, or wound the persons, or injure the property of Chinese, or commit any other improper act in China, shall be punished only by the Consul or other public functionary thereto authorized, according to the laws of the United States. Arrests in order to trial may be made by either the Chinese or the United States authorities.

ARTICLE XII.

Citizens of United States free to hire Houses and Warehouses, and to build Houses, Hospitals, Churches, and Cemeteries. Landing of Merchants, &c., at open Ports. Limits beyond which they cannot go.

Citizens of the United States, residing or sojourning at any of the ports open to foreign commerce, shall be permitted to rent houses and places of business, or hire sites on which they can themselves build houses or hospitals, churches, and cemeteries. The parties interested can fix the rent by mutual and equitable agreement; the proprietors shall not demand an exorbitant price, nor shall the local authorities interfere, unless there be some objections offered on the part of the inhabitants respecting the place. The legal fees to the officers for applying their seal shall be paid. The citizens of the United States shall not unreasonably insist on particular spots, but each party shall conduct with justice and moderation. Any desecration of the cemeteries by natives of China shall be severely punished according to law. At the places where the ships of the United States anchor, or their citizens reside, the merchants, seamen, or others can freely pass and repass in the immediate neighbourhood; but, in order to the preservation of the public peace, they shall not go into the country to the villages and marts to sell their goods unlawfully, in fraud of the revenue.

ARTICLE XIII.

Wrecks. Protection of Persons and Property. Punishment of Robbers and Pirates. Restoration of Property recovered. Chinese Government not responsible for Property not recovered. Punishment of Chinese Authorities in case of Collusion.

If any vessel of the United States be wrecked or stranded on the coast of China, and be subjected to plunder or other damage, the proper officers of Government, on receiving information of the fact, shall immediately adopt measures for its relief and security; the persons on board shall receive friendly treatment, and be enabled to repair at once to the nearest port, and shall enjoy all facilities for obtaining supplies of provisions and water. If the merchant-vessels of the United States, while within the waters over which the Chinese Government exercises jurisdiction, be plundered by robbers or pirates, then the Chinese local authorities, civil and military, on

receiving information thereof, shall arrest the said robbers or pirates, and punish them according to law, and shall cause all the property which can be recovered to be restored to the owners or placed in the hands of the Consul. If, by reason of the extent of territory and numerous population of China, it shall in any case happen that the robbers cannot be apprehended, and the property only in part recovered, the Chinese Government shall not make indemnity for the goods lost; but, if it shall be proved that the local authorities have been in collusion with the robbers, the same shall be communicated to the superior authorities for memoralizing the Throne, and these officers shall be severely punished, and their property be confiscated to repay the losses.

ARTICLE XIV.

Ports open to Citizens and Trade of United States. Vessels and Cargo liable to Confiscation for Trading with non-open Ports. Chinese Government to deal with Citizens engaged in Contraband Trade. Fraudulent use of Flag.

The citizens of the United States are permitted to frequent the ports and cities of Canton and Chau-chau or Swatau, in the province of Kwang-tung, Amoy, Fuh-chau, and Tai-wan, in Formosa, in the province of Fuh-kien, Ningpo, in the province of Chehkiang, and Shanghai, in the province of Kiang-su, and any other port or place hereafter by Treaty with other Powers or with the United States opened to commerce, and to reside with their families and trade there, and to proceed at pleasure with their vessels and merchandise from any of these ports to any other of them. But said vessels shall not carry on a clandestine and fraudulent trade at other ports of China not declared to be legal, or along the coasts thereof; and any vessel under the American flag violating this provision shall, with her cargo, be subject to confiscation to the Chinese Government; and any citizen of the United States who shall trade in any contraband article of merchandise shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

ARTICLE XV.

Imports and Exports. Tariff. Most-favoured-nation Treatment.

At each of the ports open to commerce, citizens of the United States shall be permitted to import from abroad, and sell, purchase, and export all merchandise of which the importation or exportation is not prohibited by the laws of the Empire. The tariff of duties to be paid by citizens of the United States, on the export

and import of goods from and into China, shall be the same as was agreed upon at the Treaty of Wanghia,* except so far as it may be modified by Treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favoured nation.

ARTICLE XVI.

Tonnage Dues. Beacons, Lighthouses, Buoys, and Light Ships.

Tonnage duties shall be paid on every merchant-vessel belonging to the United States entering either of the open ports at the rate of 4 mace per ton of 40 cubic feet, if she be over 150 tons burden, and 1 mace per ton of 40 cubic feet, if she be of the burden of 150 tons or under, according to the tonnage specified in the register; which, with her other papers, shall, on her arrival, be lodged with the Consul, who shall report the same to the Commissioner of Customs. And if any vessel, having paid tonnage duty at one port, shall go to any other port to complete the disposal of her cargo, or, being in ballast, to purchase an entire, or fill up an incomplete, cargo, the Consul shall report the same to the Commissioner of Customs, who shall note on the port-clearance that the tonnage duties have been paid, and report the circumstances to the collectors at the other Custom-Houses; in which case, the said vessel shall only pay duty on her cargo, and not be charged with tonnage duty a second time. The collectors of Customs at the open ports shall consult with the Consuls about the erection of beacons or light-houses, and where buoys and light-ships should be placed.

ARTICLE XVII.

Engagement of Pilots. Hire of Servants, &c.

Citizens of the United States shall be allowed to engage pilots to take their vessels into port, and, when the lawful duties have all been paid, take them out of port. It shall be lawful for them to hire at pleasure servants, compradores, linguists, writers, labourers, seamen, and persons for whatever necessary service, with passage or cargo boats, for a reasonable compensation, to be agreed upon by the parties or determined by the Consul.

ARTICLE XVIII.

Custom-House Guards. Apprehension and Delivery of Mutineers and Deserters. Chinese Criminals to be delivered up to Chinese Authorities. Jurisdiction over United States Citizens.

Whenever merchant-vessels of the United States shall enter a port, the collector of Customs shall, if he see fit, appoint Custom-House officers to guard said vessels, who may live on board the ship or their own boats, at their convenience. The local authorities

* 3rd July, 1844. See note on page 539.

of the Chinese Government shall cause to be apprehended all mutineers or deserters from on board the vessels of the United States in China, on being informed by the Consul, and will deliver them up to the Consuls or other officer for punishment. And if criminals, subjects of China, take refuge in the houses or on board the vessels of citizens of the United States, they shall not be harboured or concealed, but shall be delivered up to justice on due requisition by the Chinese local officers, addressed to those of the United States. The merchants, seamen, and other citizens of the United States shall be under the superintendence of the appropriate officers of their Government. If individuals of either nation commit acts of violence or disorder, use arms to the injury of others, or create disturbances endangering life, the officers of the two Governments will exert themselves to enforce order and to maintain the public peace, by doing impartial justice in the premises.

ARTICLE XIX.*

Ships' Papers to be deposited within 48 hours. Forfeiture of Cargo discharged without Permit. Duties to be paid only on portion of Cargo discharged. Vessels leaving within 48 hours without breaking bulk not liable to dues. Consul of a Friendly Power may act in absence of the Consul.

Whenever a merchant-vessel belonging to the United States shall cast anchor in either of the said ports, the supercargo, master, or consignee, shall, within 48 hours, deposit the ship's papers in the hands of the Consul or person charged with his functions, who shall cause to be communicated to the superintendent of Customs a true report of the name and tonnage of such vessel, the number of her crew, and the nature of her cargo, which being done, he shall give a permit for her discharge. And the master, supercargo, or consignee, if he proceed to discharge the cargo without such permit, shall incur a fine of 500 dollars, and the goods so discharged without permit, shall be subject to forfeiture to the Chinese Government. But if a master of any vessel in port desire to discharge a part only of the cargo, it shall be lawful for him to do so, paying duty on such part only, and to proceed with the remainder to any

* On the 17th of July, 1867, it had been agreed between the Chinese Government and Mr. Burlingame, United States Minister at Peking, that, subject to ratification by the Government of the United States, Article XIX should be modified as hereinafter stated. The proposed modification having been submitted to the Senate, that body, by its resolution of January 20, 1868, did "advise and consent to the modification of the treaty between the United States and China concluded at Tientsin on the 18th of June, 1858, so that the nineteenth article shall be understood to include hulks and storeships of every kind under the term merchant vessels: and so that it shall provide that if the supercargo, master, or consignee shall neglect, within 48 hours after a vessel casts anchor in either of the ports named in the treaty, to deposit the ship's papers in the hands of the Consul, or person charged with his functions, who shall then comply with the requisitions of the nineteenth article of the treaty in question, he shall be liable to a fine of 50 taels for each day's delay, the total amount of penalty, however, shall not exceed 200 taels." (United States "Compilation of Treaties in Force," 1904.)

other ports. Or, if the master so desire, he may, within 48 hours after the arrival of the vessel, but not later, decide to depart without breaking bulk; in which case he shall not be subject to pay tonnage or other duties or charges until, on his arrival at another port, he shall proceed to discharge cargo, when he shall pay the duties on vessel and cargo, according to law. And the tonnage duties shall be held due after the expiration of the said 48 hours. In case of the absence of the Consul or person charged with his functions, the captain or supercargo of the vessel may have recourse to the Consul of a friendly Power, or, if he please, directly to the superintendent of Customs, who shall do all that is required to conduct the ship's business.

ARTICLE XX.

Examination of Cargo by Customs Officers. Disputes to be referred to Consul within 24 hours.

The superintendent of Customs, in order to the collection of the proper duties, shall, on application made to him through the Consul, appoint suitable officers, who shall proceed, in the presence of the captain, supercargo, or consignee, to make a just and fair examination of all goods in the act of being discharged for importation or laden for exportation on board any merchant vessel of the United States. And if disputes occur in regard to the value of goods subject to *ad valorem* duty, or in regard to the amount of tare, and the same cannot be satisfactorily arranged by the parties, the question may, within 24 hours, and not afterwards, be referred to the said Consul to adjust with the superintendent of Customs.

ARTICLE XXI.*

Re-exportation to other Ports. Frauds on Chinese Government. Confiscation of Goods. Foreign Grain or Rice.

Citizens of the United States who may have imported merchandise into any of the free ports of China, and paid the duty thereon, if they desire to re-export the same in part or in whole to any other of the said ports, shall be entitled to make application, through their Consul, to the superintendent of Customs, who, in order to prevent fraud on the revenue, shall cause examination to be made, by suitable officers, to see that the duties paid on such goods as are entered on the Custom-House books correspond with

* On the 7th April, 1863, it was agreed between Mr. Burlingame, United States Minister at Peking, and the Government of China, that, subject to the ratification of the Government of the United States, the twenty-first article of the treaty of June 18, 1858, "shall be so modified as to permit duties to be paid, when goods are re-exported from any one of the free ports of China, at the port into which they are finally imported, and that drawbacks shall be substituted for exemption certificates at all the ports, which drawbacks shall be regarded as negotiable and transferable articles and be accepted by the Custom House from whatsoever merchant who may tender them either for import or export duty to be paid by him."

The Senate advised and consented to this modification by resolution of 4th February, 1864; and it was accepted, ratified, and confirmed by the President, 22nd February, 1864. (United States "Compilation of Treaties in Force," 1904.)

the representation made, and that the goods remain with their original marks unchanged, and shall then make a memorandum in the port-clearance of the goods and the amount of duties paid on the same, and deliver the same to the merchant, and shall also certify the facts to the officers of Customs of the other ports; all which being done on the arrival in port of the vessel in which the goods are laden, and everything being found, on examination there, to correspond, she shall be permitted to break bulk and land the said goods without being subject to the payment of any additional duty thereon. But if, on such examination, the superintendent of Customs shall detect any fraud on the revenue in the case, then the goods shall be subject to forfeiture and confiscation to the Chinese Government. Foreign grain or rice brought into any port of China in a ship of the United States, and not landed, may be re-exported without hindrance.

ARTICLE XXII.

Payment of Tonnage, Import, and Export Duties. Port-clearances. Duties to be paid in Sycee Silver or Foreign Money. Consul to be responsible if he permits Vessels to leave without paying Duties.

The tonnage duty on vessels of the United States shall be paid on their being admitted to entry. Duties of import shall be paid on the discharge of the goods, and duties of export on the lading of the same. When all such duties shall have been paid, and not before, the collector of Customs shall give a port-clearance, and the Consul shall return the ship's papers. The duties shall be paid to the shroffs authorized by the Chinese Government to receive the same. Duties shall be paid and received, either in sycee silver or in foreign money, at the rate of the day. If the Consul permits a ship to leave the port before the duties and tonnage dues are paid, he shall be held responsible therefor.

ARTICLE XXIII.

Trans-shipments.

When goods on board any merchant vessel of the United States in port require to be trans-shipped to another vessel, application shall be made to the Consul, who shall certify what is the occasion therefor to the superintendent of Customs, who may appoint officers to examine into the facts and permit the trans-shipment. And if any goods be trans-shipped without written permits they shall be subject to be forfeited to the Chinese Government.

ARTICLE XXIV.

Chinese Debtors subject to Laws of China, and United States Debtors to Consular Court.

Where there are debts due by subjects of China to citizens of the United States, the latter may seek redress in law; and, on

suitable representations being made to the local authorities, through the Consul, they will cause due examination in the premises, and take proper steps to compel satisfaction. And if citizens of the United States be indebted to subjects of China, the latter may seek redress by representation through the Consul, or by suit in the Consular Court; but neither Government will hold itself responsible for such debts.

ARTICLE XXV.

Permission to learn Chinese Language. Purchase of Books.

It shall be lawful for the officers or citizens of the United States to employ scholars and people of any part of China, without distinction of persons, to teach any of the languages of the Empire, and to assist in literary labours; and the persons so employed shall not for that cause be subject to any injury on the part either of the Government or of the individuals; and it shall in like manner be lawful for citizens of the United States to purchase all manner of books in China.

ARTICLE XXVI.

Freedom of Trade with open Ports in case of War between China and a Foreign Power, and with Ports of Belligerent Powers. United States Flag not to protect Enemy's Vessels. Confiscation of offending Vessels.

Relations of peace and amity between the United States and China being established by this Treaty, and the vessels of the United States being admitted to trade freely to and from the ports of China open to foreign commerce, it is further agreed that, in case at any time hereafter China should be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent Powers, full respect being paid to the neutrality of the flag of the United States: provided that the said flag shall not protect vessels engaged in the transportation of officers or soldiers in the enemy's service, nor shall said flag be fraudulently used to enable the enemy's ships, with their cargoes, to enter the ports of China, but all such vessels so offending shall be subject to forfeiture and confiscation to the Chinese Government.

ARTICLE XXVII.

Controversies between United States Citizens. Consular Jurisdiction. Controversies between United States Citizens and other Foreign Subjects.

All questions in regard to rights, whether of property or person arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authority of their

own Governments; and all controversies occurring in China between citizens of the United States and the subjects of any other Government shall be regulated by the Treaties existing between the United States and such Governments respectively, without interference on the part of China.

ARTICLE XXVIII.

Communications of United States Citizens with Chinese Authorities to be sent through the Consul, and of Chinese with United States Consul through Chinese Authorities. Controversies to be settled between respective Authorities. Extortions prohibited. Interpreters.

If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises. If subjects of China have occasion to address the Consul of the United States, they may address him directly at the same time they inform their own officers, representing the case for his consideration and action in the premises; and if controversies arise between citizens of the United States and subjects of China, which cannot be amicably settled otherwise, the same shall be examined and decided conformably to justice and equity by the public officers of the two nations, acting in conjunction. The extortion of illegal fees is expressly prohibited. Any peaceable persons are allowed to enter the court in order to interpret, lest injustice be done.

ARTICLE XXIX.

Religious Toleration.

The principles of the Christian religion, as professed by the Protestant and Roman Catholic churches, are recognised as teaching men to do good, and to do to others as they would have others do to them. Hereafter those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teach and practise the principles of Christianity, shall in no case be interfered with or molested.

ARTICLE XXX.

Rights, Privileges, and Favours granted to Foreign Powers. Most-favoured-nation Treatment.

The Contracting Parties hereby agree that should at any time the Ta-Tsing Empire grant to any nation, or the merchants or citizens of any nation, any right, privilege, or favour connected,

either with navigation, commerce, political or other intercourse, which is not conferred by this Treaty, such right, privilege, and favour shall at once freely enure to the benefit of the United States, its public officers, merchants, and citizens.

Ratifications.

The present Treaty of Peace, Amity, and Commerce shall be ratified by the President of the United States, by and with the advice and consent of the Senate, within one year, or sooner, if possible, and by the august Sovereign of the Ta-Tsing Empire forthwith, and the ratifications shall be exchanged within one year from the date of the signatures thereof. In faith whereof we, the respective Plenipotentiaries of the United States of America and of the Ta-Tsing Empire as aforesaid, have signed and sealed these presents.

Done at Tientsin this 18th day of June, in the year of our Lord 1858, and the Independence of the United States of America the 82nd, and in the 8th year of Hienfung, 5th month and 8th day.

(L.S.) WILLIAM B. REED.
(L.S.) KWEILIANG.
(L.S.) HWASPANA.

(**No. 95.**) *CONVENTION between the United States and China for the regulation of Trade. Signed at Shanghai, 8th November,* 1858.

[Ratifications exchanged at Peking, August 15, 1859.]

WHEREAS a Treaty of Peace, Amity, and Commerce between the Ta-Tsing Empire and the United States of America was concluded at Tientsin, and signed at the Temple of Hai-Kwang, on the 18th day of June, in the year of our Lord, 1858 (**No. 94**), corresponding with the 8th day of the 5th moon of the 8th year of Hienfung; which said Treaty was duly ratified by His Majesty the Emperor of China, on the 3rd day of July following, and which has been now transmitted for ratification by the President of the United States, with the advice and consent of the Senate; and whereas in the said Treaty it was provided among other things that the tariff of duties to be paid by citizens of the United States on the export and import of goods from and into China shall be the same as was agreed upon at the Treaty of Wang-hia*, except so far as it may be modified by Treaties with other nations, it being expressly agreed that citizens of the United States shall never pay higher duties than those paid by the most favoured nations; and whereas since the signature

* 3rd July, 1844. See note on page 539.

of the said Treaty material modifications of the said tariff and other matters of detail connected with and having relation to the said Treaty have been made, under mutual discussions by Commissioners appointed to that end by the Plenipotentiaries of China, Great Britain, and France, to which the assent of the United States of America is desired and now freely given, it has been determined to record such assent and agreement in the form of a supplementary Treaty, to be as binding and of the same efficacy as though they had been inserted in the original Treaty.

ARTICLE I.

Tariff and Regulations of Trade and Transit to be in force until altered.

The tariff and regulations of trade and transit hereunto attached, bearing the seals of the respective Plenipotentiaries of the United States and the Ta-Tsing Empire, shall henceforward and until duly altered under the provisions of Treaties be in force at the ports and places open to commerce.

In faith whereof the respective Plenipotentiaries of the United States of America and of the Ta-Tsing Empire, to wit, on the part of The United States, William B. Reed, Envoy Extraordinary and Minister Plenipotentiary; and on the part of the Ta-Tsing Empire, Kweiliang, a member of the Privy Council, Captain-General of the Plain White Banner Division of the Manchu Bannermen, and Superintendent of the Board of Punishments; and Hwashana, Classical Reader at Banquets, President of the Board of Civil Office, Captain-General of the Bordered Blue Banner Division of the Chinese Bannermen, both of them Plenipotentiaries; with Ho Kwei-tsing, Governor-General of the two Kiang Provinces, President of the Board of War, and Guardian of the Heir-Apparent; Mingshen, President of the Ordnance Office of the Imperial Household, with the Insignia of the Second Grade; and Twan, a titular President of the Fifth Grade, member of the Establishment of the General Council, and one of the junior Under Secretaries of the Board of Punishments, all of them Special Imperial Commissioners deputed for the purpose, have signed and sealed these presents.

Done at Shanghai, this 8th day of November, in the year of our Lord 1858, and the Independence of the United States of America the 83rd, and in the 8th year of Hienfung the 10th month and 3rd day.

(L.S.) WILLIAM B. REED.
(L.S.) KWEILIANG.
(L.S.) HWASHANA.
(L.S.) HO KWEI-TSING.
(L.S.) MINGSHEN.
(L.S.) TWAN.

[Here follow the Tariff, and Regulations of Trade and Transit.]

(No. 96.) *ADDITIONAL ARTICLES to the Treaty of Commerce between the United States and China, of June* 18, 1858. *Signed at Washington, 28th July*, 1868.*

[Ratifications exchanged at Peking, November 23, 1869.]

WHEREAS since the conclusion of the Treaty between the United States of America and the Ta-Tsing Empire (China) of the 18th of June, 1858 (**No. 94**), circumstances have arisen showing the necessity of additional Articles thereto, the President of the United States and the august Sovereign of the Ta-Tsing Empire, have named for their Plenipotentiaries to wit: The President of the United States of America, William H. Seward, Secretary of State, and His Majesty the Emperor of China, Anson Burlingame, accredited as his Envoy Extraordinary and Minister Plenipotentiary, and Chih-Kang and Sun Chia-Ku, of the second Chinese rank, associated High Envoys and Ministers of his said Majesty; and the said Plenipotentiaries, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I.

Chinese Jurisdiction over Lands on which Citizens of the United States reside, and over Waters in which they Trade. Attacks on Property by Subjects of Powers at War with United States disclaimed. Resistance to attacks by Citizens of the United States.

His Majesty the Emperor of China, being of the opinion that, in making concessions to the citizens or subjects of foreign Powers of the privilege of residing on certain tracts of land, or resorting to certain waters of that Empire for purposes of trade, he has by no means relinquished his right of eminent domain or dominion over the said land and waters, hereby agrees that no such concession or grant shall be construed to give to any Power or party

* See also Treaties respecting Chinese Emigration into the United States, 17th November, 1880 (**No. 97**), and 17th March, 1894 (**No. 99**), and Supplementary Treaty respecting Commercial Intercourse and Judicial Procedure, of 17th November, 1880 (**No. 98**).

The following note appears in Meyer's collection of "China Treaties," 1902: "In the copies of the foregoing Treaty heretofore published in China, apparently from an unauthorised text, the following article, ratification of which was declined, and which consequently has no place in the agreement, has hitherto been included:—'Art. VII.—The United States and the Emperor of China, recognising in the present progress of nations a favourable tendency towards unity of civilisation, and regarding a unity of money and unity of weights and of measures as favourable to that great object, do hereby agree that they will use their influence and efforts to obtain the establishment, by the general agreement of nations, of representative coins having a common value, and also a common standard of weights and measures for all countries.'"

which may be at war with or hostile to the United States the right to attack the citizens of the United States or their property within the said land or waters. And the United States, for themselves, hereby agree to abstain from offensively attacking the citizens or subjects of any Power or party or their property with which they may be at war on any such tract of land or waters of the said Empire. But nothing in this Article shall be construed to prevent the United States from resisting an attack by any hostile Power or party upon their citizens or their property. It is further agreed that, if any right or interest in any tract of land in China has been or shall hereafter be granted by the Government of China to the United States or their citizens for purpose of trade or commerce, that grant shall in no event be construed to divest the Chinese authorities of their right of jurisdiction over persons and property within said tract of land, except so far as that right may have been expressly relinquished by Treaty.

ARTICLE II.

Privileges and Immunities of Trade and Navigation not granted by Treaty.

The United States of America and His Majesty the Emperor of China, believing that the safety and prosperity of commerce will thereby best be promoted, agree that any privilege or immunity in respect to trade or navigation within the Chinese dominions, which may not have been stipulated for by Treaty, shall be subject to the discretion of the Chinese Government, and may be regulated by it accordingly, but not in a manner or spirit incompatible with the Treaty stipulations of the parties.

ARTICLE III.

Appointment of Chinese Consuls in the United States. Same Treatment as Consuls of Great Britain and Russia.

The Emperor of China shall have the right to appoint Consuls at ports of the United States, who shall enjoy the same privileges and immunities as those which are enjoyed by public law and Treaty in the United States by the Consuls of Great Britain and Russia, or either of them.

ARTICLE IV.

Liberty of Conscience.

Article XXIX of the Treaty of the 18th of June, 1858 (**No. 94**), having stipulated for the exemption of Christian citizens of the United States and Chinese converts from persecutions in China on account of their faith, it is further agreed that citizens of the United States in China of every religious persuasion, and Chinese

subjects in the United States, shall enjoy entire liberty of conscience, and shall be exempt from all disability or persecution on account of their religious faith or worship in either country. Cemeteries for sepulture of the dead, of whatever nativity or nationality, shall be held in respect and free from disturbance or profanation.

ARTICLE V.

Free Emigration. Contravention by Subjects of either Power declared a Penal Offence.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The High Contracting Parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offence for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent respectively.

ARTICLE VI.

Privileges, Immunities, and Exemptions, to respective Subjects. Most-favoured-nation Treatment. Naturalization not included.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favoured nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favoured nation. But nothing therein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

ARTICLE VII.

Education of Citizens of the United States in China, and of Chinese in United States. Most-favoured-nation Treatment. Freedom to establish Schools.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and, reciprocally, Chinese subjects shall enjoy all

the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favoured nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by Treaty permitted to reside; and, reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

ARTICLE VIII.

Non-Intervention by the United States in Domestic Administration of China. Construction of Railways, &c., in China. Assistance of the United States Engineers, &c., permitted.

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs, or other material internal improvements. On the other hand, His Majesty the Emperor of China reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding, it is agreed by the Contracting Parties that if any time hereafter His Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned, within the Empire, and shall make application to the United States or any other western power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property, and paying them a reasonable compensation for their service.

In faith whereof the respective Plenipotentiaries have signed this Treaty and thereto affixed the seals of their arms.

Done at Washington, the 28th day of July, in the year of our Lord, 1868.

(L.S.) WILLIAM H. SEWARD.
(L.S.) ANSON BURLINGAME.
(L.S.) CHIH-KANG.
(L.S.) SUN CHIA-KU.

(No. 97.) *TREATY between the United States and China for the regulation of Chinese Immigration into the United States. Signed at Peking, November 17th,* 1880.*

[Signed also in Chinese.]

[Ratifications exchanged at Peking, July 19, 1881.]

WHEREAS, in the eighth year of Hsien Feng, A.D. 1858, a Treaty of Peace and Friendship was concluded between the United States of America and China (**No. 94**), and to which were added, in the seventh year of Tung Chih, A.D. 1868 (**No. 96**), certain supplementary Articles to the advantage of both parties, which supplementary Articles were to be perpetually observed and obeyed: and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese labourers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina, as his Commissioners Plenipotentiary; and His Imperial Majesty the Emperor of China has appointed Pao Chün, a member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following Articles in modification:—

ARTICLE I.

Right of United States Government to regulate limit, or suspend, but not to prohibit, entrance and residence of Chinese Labourers.

Whenever, in the opinion of the Government of the United States, the coming of Chinese labourers to the United States or their residence therein, affects or threatens to affect the interests of that country or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not

* See note, Page 559, and Convention 17th March, 1894 (**No. 99**).

absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as labourers, other classes not being included in the limitations. Legislation taken in regard to Chinese labourers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.*

Freedom of Access to and Departure from the United States of Chinese Subjects.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese labourers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favoured nation.

ARTICLE III.

Protection.

If Chinese labourers or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill-treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection, and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favoured nation, and to which they are entitled by Treaty.

ARTICLE IV.

United States Legislative Measures to be communicated to Chinese Government.

The High Contracting Parties having agreed upon the foregoing Articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures

* On the 5th July, 1884, an Act of Congress was passed prohibiting, for 10 years, the entrance of Chinese labourers into the United States ("State Papers." Vol. 76. Page 232). On the 5th May, 1892, another Act was passed to continue the same in force for a further period of 10 years from the passing of that Act. On the 3rd November, 1893, another Act was passed to amend the Act of 1892; and after the conclusion of the Convention of 17th March, 1894, respecting Emigration between China and the United States (**No. 99**), a Circular was issued by the Treasury Department of the United States, on the 10th April, 1894, respecting the admission into the United States of Chinese claiming to be merchants, in which it was declared that the term "merchant" applied to "a person engaged in buying and selling merchandise at a fixed place of business, which business was conducted in his name, and who, during the time he claimed to be engaged as a merchant, did not engage in the performance of any manual labour, except such as was necessary in the conduct of his business as such merchant."

will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the Secretary of State of the United States who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States Minister at Peking, and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese, being three originals of each text of even tenour and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this 17th day of November, in the year of Our Lord 1880 (Kuanghsü, 6th year, 10th moon, 15th day).

(L.S.) PAO CHÜN.
(L.S.) LI HUNGTSAO.
(L.S.) JAMES B. ANGELL.
(L.S.) JOHN F. SWIFT.
(L.S.) WM. HENRY TRESCOT.

(**No. 98.**) *SUPPLEMENTARY TREATY between the United States and China respecting Commercial Intercourse and Judicial Procedure. Signed at Peking, 17th November,* 1880.

[Signed also in Chinese.]

[Ratifications exchanged at Peking, July 19, 1881.]

THE President of the United States of America and His Imperial Majesty the Emperor of China, because of certain points of incompleteness in the existing Treaties between the two Governments, have named as their Commissioners Plenipotentiaries, that is to say:

The President of the United States, James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina;

His Imperial Majesty the Emperor of China, Pao Chün, a member of His Imperial Majesty's Privy Council and Superintendent of the Board of Civil Office, and Li Hungtsao, a member of His Imperial Majesty's Privy Council; who have agreed upon and concluded the following additional Articles:—

ARTICLE I.

Extension of Commercial Intercourse.

The Governments of the United States and China, recognizing the benefits of their past commercial relations, and in order still

further to promote such relations between the citizens and subjects of the two Powers, mutually agree to give the most careful and favourable attention to the representations of either as to such special extension of commercial intercourse as either may desire.

ARTICLE II.

Opium. Non-importation into United States Ports by Chinese Subjects, or into Chinese Ports by United States Citizens.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States;

Non-transport from one open Port to another open Port; nor Purchase, nor Sale.

and citizens of the United States shall not be permitted to import opium into any of the open ports of China, to transport it from one open port to any other open port, or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States;

Most-favoured-nation Treatment not to be claimed.

and the benefits of the favoured nation clauses in existing Treaties shall not be claimed by the citizens or subjects or either Power as against the provisions of this Article.

ARTICLE III.

Tonnage Dues. Import and Export Duties. Duties on Coastwise Trade.

His Imperial Majesty the Emperor of China hereby promises and agrees that no other kind or higher rate of tonnage dues, or duties for imports or exports, or coastwise trade shall be imposed or levied in the open ports of China upon vessels wholly belonging to citizens of the United States; or upon the produce, manufactures, or merchandise imported in the same from the United States; or from any foreign country; or upon the produce, manufactures, or merchandise exported in the same to the United States or to any foreign country; or transported in the same from one open port of China to another, than are imposed or levied on vessels or cargoes of any other nation or on those of Chinese subjects.

The United States hereby promise and agree that no other kind or higher rate of tonnage dues or duties for imports shall be

imposed or levied in the ports of the United States upon vessels wholly belonging to the subjects of His Imperial Majesty, and coming either directly or by way of any foreign port, from any of the ports of China which are open to foreign trade, to the ports of the United States; or returning therefrom either directly or by way of any foreign port, to any of the open ports of China; or upon the produce, manufactures, or merchandise imported in the same from China or from any foreign country, than are imposed or levied on vessels of other nations which make no discrimination against the United States in tonnage dues or duties on imports, exports, or coastwise trade; or than are imposed or levied on vessels and cargoes of citizens of the United States.

ARTICLE IV.

Judicial Procedure. Controversies in China between United States Citizens and Chinese. Trial by Proper Official of Nationality of Defendant.

When controversies arise in the Chinese Empire between citizens of the United States and subjects of His Imperial Majesty, which need to be examined and decided by the public officers of the two nations, it is agreed between the Governments of the United States and China that such cases shall be tried by the proper official of the nationality of the defendant. The properly authorized official of the plaintiff's nationality shall be freely permitted to attend the trial, and shall be treated with the courtesy due to his position. He shall be granted all proper facilities for watching the proceedings in the interests of justice. If he so desires, he shall have the right to present, to examine, and to cross-examine witnesses. If he is dissatisfied with the proceedings, he shall be permitted to protest against them in detail. The law administered will be the law of the nationality of the officer trying the case.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking in English and Chinese, being three originals of each text, of even tenour and date, the ratifications of which shall be exchanged at Peking within one year from the date of its execution.

Done at Peking, this 17th day of November, in the year of our Lord 1880, Kuanghsü, 6th year, 10th moon, 15th day.

(L.S.) PAO CHÜN.
(L.S.) LI HUNGTSAO.
(L.S.) JAMES B. ANGELL.
(L.S.) JOHN F. SWIFT.
(L.S.) WM. HENRY TRESCOT.

(**No. 99.**) *CONVENTION between the United States of America and China respecting Emigration between the two Countries. Signed at Washington, 17th March,* 1894.*

[Ratifications exchanged at Washington, December 7, 1894.]

WHEREAS, on the 17th day of November, A.D. 1880, and of Kwanghsü, the 6th year, 10th moon, 15th day, a Treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese labourers to, and their residence in, the United States (**No. 97**);

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese labourers has given rise in certain parts of the United States, desires to prohibit the emigration of such labourers from China to the United States;

And whereas the two Governments desire to coöperate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his Plenipotentiary, and His Imperial Majesty, the Emperor of China, has appointed Yang Yü, Officer of the second rank, Sub-Director of the Court of Sacrificial Worship, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, as his Plenipotentiary; and the said Plenipotentiaries having exhibited their respective full powers found to be in due and good form, have agreed upon the following Articles:—

ARTICLE I.

The High Contracting Parties agree that for a period of 10 years, beginning with the date of the exchange of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese labourers to the United States shall be absolutely prohibited.

ARTICLE II.

The preceding Article shall not apply to the return to the United States of any registered Chinese labourer who has a lawful wife, child, or parent in the United States, or property therein of the value of 1,000 dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese labourer

* Terminated 7th December, 1904.

shall, before leaving the United States, deposit, as a condition of his return, with the Collector of Customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where, by reason of sickness or other cause of disability beyond his control, such Chinese labourer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese Consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese labourer shall be permitted to enter the United States by land or sea without producing to the proper officer of the Customs the return certificate herein required.

ARTICLE III.

The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants,* or travellers for curiosity or pleasure, but not labourers, of coming to the United States and residing therein. To entitle such Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséd by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese labourers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

ARTICLE IV.

In pursuance of Article III of the Immigration Treaty between the United States and China, signed at Peking on the 17th day of November, 1880 (the 15th day of the 10th month of Kwanghsü, 6th year) (**No. 97**), it is hereby understood and agreed that Chinese labourers or Chinese of any other class, either permanently or

* See Note. Page 559.

temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favoured nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article III, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

ARTICLE V.

The Government of the United States, having by an Act of the Congress, approved May 5, 1892,* as amended by an Act approved November 3, 1893, required all Chinese labourers lawfully within the limits of the United States before the passage of the first-named Act to be registered as in said Acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such Acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all labourers, skilled or unskilled (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the Treaty Ports.

And the Government of the United States agrees that within 12 months from the date of the exchange of the ratifications of this Convention, and annually, thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation, and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the Treaty Ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

ARTICLE VI.

This Convention shall remain in force for a period of 10 years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of 10 years, neither Government shall have formally given notice of its final termination to the other, it shall remain in force for another like period of 10 years.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A.D. 1894.

(L.S.) WALTER Q. GRESHAM.
(L.S.) [Chinese Signature.]

See note. Page 559.

(**No. 100**). *TREATY between China and the United States respecting Commercial Relations, &c. Signed at Shanghai, 8th October*, 1903.

[Signed also in Chinese.]

Ratifications exchanged at Washington, January 13, 1904.]

THE United States of America and His Majesty the Emperor of China, being animated by an earnest desire to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, in view of the provisions of the first paragraph of Article XI of the Final Protocol signed at Peking on the 7th day of September, A.D. 1901 (**No. 26**), whereby the Chinese Government agreed to negotiate the amendments deemed necessary by the foreign Governments to the Treaties of Commerce and Navigation and other subjects concerning commercial relations, with the object of facilitating them, have for that purpose named as their Plenipotentiaries :—

The United States of America: Edwin H. Conger, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China; John Goodnow, Consul-General of the United States of America at Shanghai; John F. Seaman, a citizen of the United States of America, resident at Shanghai;

And His Majesty the Emperor of China: Lü-Hai-huan, President of the Board of Public Works; Sheng Hsüan-huai, Junior Guardian of the Heir Apparent, formerly Senior Vice-President of the Board of Public Works;

who, having met and duly exchanged their full powers, which were found to be in proper form, have agreed upon the following amendments to existing Treaties of Commerce and Navigation formerly concluded between the two countries, and upon the subjects hereinafter expressed connected with commercial relations with the object of facilitating them :—

ARTICLE I.

Diplomatic Representatives. Rights and Privileges.

In accordance with international usage, and as the Diplomatic Representative of China has the right to reside in the capital of the United States, and to enjoy there the same prerogatives, privileges, and immunities as are enjoyed by the similar Representative of the most favoured nation, the Diplomatic Representative of the United States shall have the right to reside at the capital of His Majesty the Emperor of China. He shall be given audience of His Majesty the Emperor whenever necessary to present his letters of credence or any communication from the President of the United States. At all such times he shall be received in a place and in a matter befitting his high position, and on all such occasions the ceremonial observed towards him shall be that observed towards

the Representatives of nations on a footing of equality, with no loss of prestige on the part of either.

The Diplomatic Representatives of the United States shall enjoy all the prerogatives, privileges, and immunities accorded by international usage to such Representatives, and shall in all respects be entitled to the treatment extended to similar Representatives of the most favoured nation.

Official Correspondence. English Text to be Authoritative.

The English text of all notes or despatches from United States officials to Chinese officials, and the Chinese text of all from Chinese officials to United States officials shall be authoritative.

ARTICLE II.

Appointment of Consuls. Rights and Privileges.

As China may appoint Consular officers to reside in the United States and to enjoy there the same attributes, privileges, and immunities as are enjoyed by Consular officers of other nations, the United States may appoint, as its interests may require, Consular officers to reside at the places in the Empire of China that are now or that may hereafter be opened to foreign residence and trade. They shall hold direct official intercourse and correspondence with the local officers of the Chinese Government within their Consular districts, either personally or in writing as the case may require, on terms of equality and reciprocal respect. These officers shall be treated with due respect by all Chinese authorities, and they shall enjoy all the attributes, privileges, and immunities, and exercise all the jurisdiction over their nationals which are or may hereafter be extended to similar officers of the nation the most favoured in these respects. If the officers of either Government are disrespectfully treated or aggrieved in any way by the authorities of the other, they shall have the right to make representation of the same to the superior officers of their own Government, who shall see that full inquiry and strict justice be had in the premises. And the said Consular officers of either nation shall carefully avoid all acts of offence to the officers and people of the other nation.

On the arrival of a Consul duly accredited at any place in China opened to foreign trade, it shall be the duty of the Minister of the United States to inform the Board of Foreign Affairs, which shall, in accordance with international usage, forthwith cause the proper recognition of the said Consul and grant him authority to act.

ARTICLE III.

Rights of American Citizens in China.

Citizens of the United States may frequent, reside, and carry on trade, industries, and manufactures, or pursue any lawful avocation, in all the ports or localities of China which are now open or may

hereafter be opened to foreign residence and trade; and, within the suitable localities at those places which have been or may be set apart for the use and occupation of foreigners, they may rent or purchase houses, places of business, and other buildings, and rent or lease in perpetuity land and build thereon. They shall generally enjoy as to their persons and property all such rights, privileges, and immunities as are or may hereafter be granted to the subjects or citizens of the nation the most favoured in these respects.

ARTICLE IV.

Abolition of Li-kin.

The Chinese Government, recognizing that the existing system of levying dues on goods in transit, and especially the system of taxation known as *li-kin*, impedes the free circulation of commodities to the general injury of trade, hereby undertakes to abandon the levy of *li-kin* and all other transit dues throughout the Empire, and to abolish the offices, stations, and barriers maintained for their collection, and not to establish other offices for levying dues on goods in transit. It is clearly understood that, after the offices, stations, and barriers for taxing goods in transit have been abolished, no attempt shall be made to re-establish them in any form or under any pretext whatsoever.

Surtax in lieu of Li-kin.

The Government of the United States, in return, consents to allow a surtax, in excess of the Tariff rates for the time being in force, to be imposed on foreign goods imported by citizens of the United States, and on Chinese produce destined for export abroad or coastwise. It is clearly understood that in no case shall the surtax on foreign imports exceed one and one-half times the import duty leviable in terms of the Final Protocol signed by China and the Powers on the 7th day of September, A.D. 1901; that the payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or foreigners, in original packages or otherwise, complete immunity from all other taxation, examination, or delay; that the total amount of taxation, inclusive of the Tariff export duty, leviable on native produce for export abroad shall, under no circumstances, exceed 7½ per cent. *ad valorem*.

Right of China to Levy Taxes.

Nothing in this Article is intended to interfere with the inherent right of China to levy such other taxes as are not in conflict with its provisions.

Keeping these fundamental principles in view, the High Contracting Parties have agreed upon the following method of procedure:—

Li-kin *Barriers. Native Customs Offices.**

The Chinese Government undertake that all offices, stations, and barriers of whatsoever kind for collecting *li-kin* duties, or such like dues on goods in transit, shall be permanently abolished on all roads, railways, and waterways in the nineteen provinces of China and the three Eastern Provinces. This provision does not apply to the Native Customs offices at present in existence on the seaboard, at open ports where there are offices of the Imperial Maritime Customs, and on the land frontiers of China embracing the nineteen provinces and the three Eastern Provinces.

Wherever there are offices of the Imperial Maritime Customs, or wherever such may be hereafter placed, Native Customs offices may also be established, as well as at any point on the seaboard or land frontiers.

Special Surtax on Foreign Imported Goods.

The Government of the United States agrees that foreign goods on importation, in addition to the effective 5 per cent. import duty as provided for in the Protocol of 1901, shall pay a special surtax of one and one-half times the amount of the said duty to compensate for the abolition of *li-kin*, of other transit dues besides *li-kin*, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this Article.

Export Tariff. Surtax.

The Chinese Government may recast the foreign export Tariff with specific duties, as far as practicable, on a scale not exceeding 5 per cent. *ad valorem*; but existing export duties shall not be raised until at least six months' notice has been given. In cases where existing export duties are above 5 per cent., they shall be reduced to not more than that rate. An additional special surtax of one-half the export duty payable for the time being, in lieu of internal taxation of all kinds, may be levied at the place of original shipment or at the time of export on goods exported either to foreign countries or coastwise.

Certificate for Foreign Goods similar to Native.

Foreign goods which bear a similarity to native goods shall be furnished by the Customs officers, if required by the owner, with a protective certificate for each package, on the payment of import duty and surtax, to prevent the risk of any dispute in the interior.

Trade in Junks.

Native goods brought by junks to open ports, if intended for local consumption, irrespective of the nationality of the owner of the

* See Annex 2. Page 577.

goods, shall be reported at the Native Customs offices only, to be dealt with according to the fiscal Regulations of the Chinese Government.

Machine-made Products of Foreign Type.

Machine-made cotton yarn and cloth manufactured in China, whether by foreigners at the open ports or by Chinese anywhere in China, shall, as regards taxation, be on a footing of perfect equality. Such goods, upon payment of the taxes thereon, shall be granted a rebate of the import duty, and of two-thirds of the import surtax paid on the cotton used in their manufacture, if it has been imported from abroad, and of all duties paid thereon if it be Chinese-grown cotton. They shall also be free of export duty, coast-trade duty, and export surtax. The same principle and procedure shall be applied to all other products of foreign type turned out by machinery in China.

Supervision of Native Customs by Members of the Maritime Customs Foreign Staff.

A member or members of the Imperial Maritime Customs foreign staff shall be selected by the Governors-General and Governors of each of the various provinces of the Empire for their respective provinces, and appointed in consultation with the Inspector-General of Imperial Maritime Customs, for duty in connection with Native Customs affairs to have a general supervision of their working.

Complaints.

Cases where illegal action is complained of by citizens of the United States shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with an officer of the United States Government, and an officer of the Imperial Maritime Customs, each of sufficient standing; and, in the event of it being found by the investigating officers that the complaint is well founded and loss has been incurred, due compensation shall be paid through the Imperial Maritime Customs. The high provincial officials shall be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post. If the complaint is shown to be frivolous or malicious, the complainant shall be held responsible for the expenses of the investigation.

Date of Coming into Effect of this Article.

When the ratifications of this Treaty shall have been exchanged by the High Contracting Parties hereto, and the provisions of this Article shall have been accepted by the Powers having Treaties with China, then a date shall be agreed upon when the provisions of this Article shall take effect, and an Imperial Edict shall be published in due form on yellow paper and circulated throughout

the Empire of China setting forth the abolition of all *li-kin* taxation, duties on goods in transit, offices, stations, and barriers for collecting the same, and of all descriptions of internal taxation on foreign goods and the imposition of the surtax on the import of foreign goods and on the export of native goods, and the other fiscal changes and reforms provided for in this Article, all of which shall take effect from the said date. The Edict shall state that the provincial high officials are responsible that any official disregarding the letter or the spirit of its injunction shall be severely punished and removed from his post.

ARTICLE V.

Import Tariff. Most-favoured-nation Treatment.

The Tariff duties to be paid by citizens of the United States on goods imported into China shall be set forth in the Schedule* annexed hereto, and made part of this Treaty, subject only to such amendments and changes as are authorized by Article IV of the present Convention, or as may hereafter be agreed upon by the High Contracting Parties hereto. It is expressly agreed, however, that citizens of the United States shall at no time pay other or higher duties than those paid by the citizens or subjects of the most favoured nation.

Conversely, Chinese subjects shall not pay higher duties on their imports into the United States than those paid by the citizens or subjects of the most favoured nation.

ARTICLE VI.

Bonded Warehouses.

The Government of China agrees to the establishment by citizens of the United States of warehouses approved by the proper Chinese authorities as bonded warehouses at the several open ports of China, for storage, repacking, or preparation for shipment of lawful goods, subject to such necessary regulations for the protection of the revenue of China, including a reasonable scale of fees according to commodities, distance from the custom-house and hours of working as shall be made from time to time by the proper officers of the Government of China.

ARTICLE VII.

Encouragement of Mining Enterprises. Revision of Regulations.

The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agrees, within one year from the signing of this Treaty, to initiate and conclude the revision of the existing Mining Regulations. To this end China will, with all expedition and earnestness,

* See Annex 3. Page 578.

go into the whole question of Mining Rules; and, selecting from the Rules of the United States and other countries Regulations which seem applicable to the condition of China, will recast its present Mining Rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, will offer no impediment to the attraction of foreign capital nor place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign Regulations; and will permit citizens of the United States to carry on in Chinese territory mining operations and other necessary business relating thereto provided they comply with the new Regulations and conditions which will be imposed by China on its subjects and foreigners alike, relating to the opening of mines, the renting of mineral land, and the payment of royalty, and provided they apply for permits, the provisions of which in regard to necessary business relating to such operations shall be observed. The residence of citizens of the United States in connection with such mining operations shall be subject to such Regulations as shall be agreed upon by and between the United States and China.

Any Mining Concession granted after the publication of such new Rules shall be subject to their provisions.

ARTICLE VIII.

Drawback Certificates.

Drawback certificates for the return of duties shall be issued by the Imperial Maritime Customs to citizens of the United States within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such drawback certificates, and they shall be receivable at their face value in payment of duties of all kinds (tonnage dues excepted) at the port of issue; or shall, in the case of drawbacks on foreign goods re-exported within three years from the date of importation, be redeemable by the Imperial Maritime Customs in full in ready money at the port of issue, at the option of the holders thereof. But if, in connection with any application for a drawback certificate, the Customs authorities discover an attempt to defraud the revenue, the applicant shall be dealt with and punished in accordance with the stipulations provided in the Treaty of Tientsin (**No. 94**), Article XXI, in the case of detected frauds on the revenue. In case the goods have been removed from Chinese territory, then the Consul shall inflict on the guilty party a suitable fine to be paid to the Chinese Government.

ARTICLE IX.

Trade-marks.

Whereas the United States undertakes to protect the citizens of any country in the exclusive use within the United States of any lawful trade-marks, provided that such country agrees by Treaty

or Convention to give like protection to citizens of the United States :—

Therefore the Government of China, in order to secure such protection in the United States for its subjects, now agrees to fully protect any citizen, firm, or Corporation of the United States in the exclusive use in the Empire of China of any lawful trade-mark to the exclusive use of which in the United States they are entitled, or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China. To this end the Chinese Government agrees to issue by its proper authorities Proclamations, having the force of law, forbidding all subjects of China from infringing on, imitating, colourably imitating, or knowingly passing off an imitation of trade-marks belonging to citizens of the United States, which shall have been registered by the proper authorities of the United States at such offices as the Chinese Government will establish for such purpose, on payment of a reasonable fee, after due investigation by the Chinese authorities, and in compliance with reasonable Regulations.

ARTICLE X.

Patents.

The United States Government allows subjects of China to patent their inventions in the United States, and protects them in the use and ownership of such patents. The Government of China now agree that it will establish a patent office. After this office has been established and special Laws with regard to inventions have been adopted it will thereupon, after the payment of the prescribed fees, issue certificates of protection, valid for a fixed term of years, to citizens of the United States on all their patents issued by the United States, in respect of articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects, in the same manner as patents are to be issued to subjects of China.

ARTICLE XI.

Copyright.

Whereas the Government of the United States undertakes to give the benefits of its Copyright Laws to the citizens of any foreign State which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens :—

Therefore the Government of China, in order to secure such benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers, or proprietors of any book, map, print, or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of

any book, in the exclusive right to print and sell such book, map, print, engraving, or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, &c., specified above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this Article. It is understood that Chinese subjects shall be at liberty to make, print, and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This Article shall not be held to protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor, or seller of any publication calculated to injure the well-being of China.

ARTICLE XII.

Inland Navigation Regulations.

The Chinese Government having in 1898 opened the navigable inland waters of the Empire to commerce by all steam-vessels, native or foreign, that may be specially registered for the purpose, for the conveyance of passengers and lawful merchandise—citizens, firms, and Corporations of the United States may engage in such commerce on equal terms with those granted to subjects of any foreign Power.

In case either Party hereto considers it advantageous at any time that the Rules and Regulations then in existence for such commerce be altered or amended, the Chinese Government agrees to consider amicably and to adopt such modifications thereof as are found necessary for trade and for the benefit of China.

Mukden and Antung to be opened to Trade.

The Chinese Government agrees that, upon the exchange of the ratifications of this Treaty, Mukden and Antung, both in the Province of Sheng-king, will be opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation, and the Regulations for these places set apart for foreign residence and trade, shall be agreed upon by the Governments of the United States and China after consultation together.

ARTICLE XIII.

Coinage.

China agrees to take the necessary steps to provide for a uniform national coinage, which shall be legal tender in payment of all duties, taxes, and other obligations throughout the Empire by the citizens of the United States as well as Chinese subjects. It is understood, however, that all customs duties shall continue to be calculated and *paid* on the basis of the Haikwan tael.

ARTICLE XIV.

Religious Toleration. Missionaries. Converts.

The principles of the Christian religion, as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to do good and to do to others as they would have others do to them. Those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practises the principles of Christianity, shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian Churches. Converts and non-converts, being Chinese subjects, shall alike conform to the laws of China, and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offence they may have committed before, or may commit after, their admission into the Church, or exempt them from paying legal taxes levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects, nor shall the native authorities make any distinction between converts and non-converts, but shall administer the laws without partiality, so that both classes can live together in peace.

Missionary Societies may rent and lease Lands and erect Buildings.

Missionary Societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such Societies, buildings, or lands in all parts of the Empire, for missionary purposes, and, after the title-deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

ARTICLE XV.

Reform of Judicial System and Surrender of Extra-territorial Rights.

The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of western nations, the United States agrees to give every assistance to such reform, and will also be prepared to relinquish extra-territorial rights when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant it in so doing.

ARTICLE XVI.

Morphia.

The Government of the United States consents to the prohibition by the Government of China of the importation into China of morphia

and of instruments for its injection, excepting morphia and instruments for its injection imported for medical purposes, on payment of Tariff duty, and under Regulations to be framed by China which shall effectually restrict the use of such import to the said purposes. This prohibition shall be uniformly applied to such importation from all countries. The Chinese Government undertakes to adopt at once measures to prevent the manufacture in China of morphia and of instruments for its injection.

ARTICLE XVII.

Confirmation of Existing Treaties.

It is agreed between the High Contracting Parties hereto that all the provisions of the several Treaties between the United States and China which were in force on the 1st day of January, A.D. 1900, are continued in full force and effect, except in so far as they are modified by the present Treaty or other Treaties to which the United States is a party.

Duration of Treaty.

The present Treaty shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and until a revision is effected as hereinafter provided.

Revision of Treaty and Tariff.

It is further agreed that either of the High Contracting Parties may demand that the Tariff and the Articles of this Convention be revised at the end of ten years from the date of the exchange of the ratifications thereof. If no revision is demanded before the end of the first term of ten years, then these Articles in their present form shall remain in full force for a further term of ten years reckoned from the end of the first term, and so on for successive periods of ten years.

English Text of Treaty to be Authoritative.

The English and Chinese texts of the present Treaty and its three Annexes have been carefully compared; but, in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct one.

Ratifications.

This Treaty and its three Annexes shall be ratified by the two High Contracting Parties in conformity with their respective constitutions, and the ratifications shall be exchanged in Washington not later than twelve months from the present date.

In testimony whereof we, the Undersigned, by virtue of our respective powers, have signed this Treaty in duplicate in the

English and Chinese languages, and have affixed our respective seals.

Done at Shanghai, this 8th day of October, in the year of our Lord 1903, and in the 29th year of Kuang Hsü, 8th month and 18th day.

(L.S.) EDWIN H. CONGER.
(L.S.) JOHN GOODNOW.
(L.S.) JOHN F. SEAMAN.

[Seals and signatures of Chinese Plenipotentiaries.]

Annex 1.

As the citizens of the United States are already forbidden by Treaty to deal in or handle opium, no mention has been made in this Treaty of opium taxation.

As the trade in salt is a Government monopoly in China, no mention has been made in this Treaty of salt taxation.

It is, however, understood, after full discussion and consideration, that the collection of inland dues on opium and salt and the means for the protection of the revenue therefrom, and for preventing illicit traffic therein, are left to be administered by the Chinese Government in such manner as shall in nowise interfere with the provisions of Article IV of this Treaty, regarding the unobstructed transit of other goods.

(L.S.) EDWIN H. CONGER.
(L.S.) JOHN GOODNOW.
(L.S.) JOHN F. SEAMAN.

[Seals and signatures of Chinese Plenipotentiaries.]

Annex 2.

Article IV of the Treaty of Commerce between the United States and China of this date provides for the retention of the Native Customs offices at the open ports. For the purpose of safeguarding the revenue of China at such places, it is understood that the Chinese Government shall be entitled to establish and maintain such branch Native Customs offices at each open port, within a reasonable distance of the main Native Customs offices at the port, as shall be deemed by the authorities of the Imperial Maritime Customs at that port necessary to collect the revenue from the trade into and out of such port. Such branches, as well as the main Native Customs offices at each open port shall be administered by the Imperial Maritime Customs, as provided by the Protocol of 1901.

(L.S.) EDWIN H. CONGER.
(L.S.) JOHN GOODNOW.
(L.S.) JOHN F. SEAMAN.

[Seals and signatures of Chinese Plenipotentiaries.]

Annex 3.

The Schedule of Tariff duties on imported goods annexed to this Treaty under Article V is hereby mutually declared to be the Schedule agreed upon between the Representatives of China and the United States, and signed by John Goodnow, for the United States, and their Excellencies Lü Hai-huan and Sheng Hsüan-huai, for China, at Shanghai, on the 6th day of September, A.D. 1902, according to the Protocol of the 7th day of September, A.D. 1901 (**No. 26**).

(L.S.) EDWIN H. CONGER.
(L.S.) JOHN GOODNOW.
(L.S.) JOHN F. SEAMAN.

[Seals and signatures of Chinese Plenipotentiaries.]

[Here follow the Import Tariff and Rules of Trade. *See* **No. 27.**]



PART III.

TREATIES BETWEEN FOREIGN POWERS, AND BETWEEN GREAT BRITAIN AND FOREIGN POWERS, RELATING TO CHINA, 1896—1907.

PART III.

LIST of TREATIES between Foreign Powers, and between Great Britain and Foreign Powers, relating to China, 1896–1907.

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* Expired.

(No. 101.) *DECLARATION between Great Britain and France respecting Privileges in Yünnan and Szechuen, &c. Signed at London, 15th January, 1896.**

[Signed also in French.]

THE Undersigned, duly authorized by their respective Governments, have signed the following Declaration :—

ARTICLE I.

[Relates to Siam.]

ARTICLE II.

[Relates to Siam.]

ARTICLE III.

[Relates to Siam.]

ARTICLE IV.

Privileges in Yünnan and Szechuen.

The two Governments agree that all commercial and other privileges and advantages conceded in the two Chinese provinces of Yünnan and Szechuen either to Great Britain or France, in virtue of their respective Conventions with China of the 1st March, 1894, **(No. 20)**, and the 20th June, 1895 **(No. 53)**, and all privileges and advantages of any nature which may in the future be conceded in these two Chinese provinces, either to Great Britain or France, shall, as far as rests with them, be extended and rendered common to both Powers and to their nationals and dependents, and they engage to use their influence and good offices with the Chinese Government for this purpose.

ARTICLE V.

[Relates to the Niger.]

ARTICLE VI.

[Relates to Tunis.]

Done at London, the 15th January, 1896.

(L.S.) SALISBURY.
(L.S.) ALPH. DE COURCEL.

* Parliamentary Paper. Treaty Series No. 5 (1896).

(No. 102.) ***EXCHANGE OF NOTES between Great Britain and Germany respecting the British Occupation of Weihaiwei. Berlin, 20th April,*** 1898.

(1).—*Sir F. Lascelles to Herr von Bülow.*

YOUR EXCELLENCY, *Berlin, April* 20, 1898.

IN accordance with instructions which I have received from my Government, I have the honour to make the following declaration to your Excellency:—

England formally declares that, in establishing herself at Weihai-wei,* she has no intention of injuring or contesting the interests of Germany in the Province of Shantung, or of creating difficulties for her in that province. It is especially understood that England will not construct any railroad communication from Weihaiwei, and the district leased therewith, into the interior of the province.

I avail, &c.,

FRANK C. LASCELLES.

(2).—*Herr von Bülow to Sir F. Lascelles.*

(Translation.)

M. L'AMBASSADEUR, *Foreign Office, Berlin, April* 20, 1898.

I have the honour to acknowledge the receipt of your Excellency's note of this day's date, in which you textually made the following declaration in the name of the Government of Her Majesty the Queen of England:—

"England formally declares that, in establishing herself at Weihaiwei, she has no intention of injuring or contesting the rights and interests of Germany in the Province of Shantung, or of creating difficulties for her in that province. It is especially understood that England will not construct any railroad communication from Weihaiwei, and the district leased therewith, into the interior of the province."

I hereby take note of this declaration in the name of the Imperial Government.

At the same time I avail, &c.,

B. VON BÜLOW.

* See Convention of 1st July, 1898 (No. 25).

(No. 103.) *EXCHANGE OF NOTES between Great Britain and France respecting the Reciprocal Protection of Trade Marks in China. London, 20th April and 29th August,* 1898.

(1).—*M. Geoffray to the Marquess of Salisbury.*

M. LE MARQUIS, *Londres, le 20 Avril,* 1898.

VOTRE Seigneurie n'est pas sans savoir que l'Arrangement intervenu en 1895 entre les Gouvernements Français et Anglais, en vue d'assurer la protection réciproque au Maroc des marques de fabrique Françaises régulièrement enregistrées en Angleterre, et des marques Anglaises régulièrement enregistrées en France, a produit les résultats les plus satisfaisants au point de vue de la répression de la contrefaçon dans les États de Sa Majesté Chérifienne.

En présence de cet heureux résultat, mon Gouvernement estimant qu'il y aurait utilité à faire une application nouvelle du principe d'assurance mutuelle ainsi consacré dans les notes échangées en 1894 entre la France et l'Angleterre à Tanger, m'a chargé de demander à votre Seigneurie si le Gouvernement de Sa Majesté Britannique ne serait pas disposé à conclure un nouvel Arrangement qui aurait cette fois pour objet d'assurer la protection réciproque en Chine des marques Françaises et Anglaises dans les conditions dans lesquelles est intervenu l'accord concernant le Maroc. M. Hanotaux estime que, le cas échéant, l'Arrangement à intervenir pourrait revêtir la forme d'un échange de notes entre le Cabinet Britannique et l'Ambassadeur de la République à Londres ; il se plaît à penser que votre Seigneurie se montrera sensible à l'utilité que présenterait un semblable accord au moment où la Chine, dont la législation n'assure aucune protection sérieuse aux marques de fabrique, ouvre plus largement ses marchés aux produits de l'industrie Européenne.

Je serais très obligé à votre Seigneurie de vouloir bien me faire connaître la suite dont la présente communication lui aura paru susceptible.

Je me permets de saisir cette occasion pour rappeler à votre Seigneurie les ouvertures que l'Ambassadeur de France a faites au Cabinet Britannique à la date du 14 Mai, 1896, à l'effet d'arriver à un Arrangement de même nature en ce qui concerne l'Empire Ottoman.

Veuillez, &c.,

GEOFFRAY.

(2).—*Mr. Balfour to M. Geoffray.*

SIR, *Foreign Office, August* 29, 1898.

In your note of the 20th of April last you conveyed to the Marquess of Salisbury the wish of the French Government to

enter into an arrangement with this country for the mutual protection of trade-marks in China similar to that concluded in Morocco between Great Britain and France in the year 1895.

I have the honour to inform you that it has been necessary, before a definite answer could be sent to you, to consult the Board of Trade, and the Law Officers of the Crown, which has led to some delay.

I have now, however, the pleasure of stating that Her Majesty's Government are prepared to enter into an arrangement such as you propose for the protection of the trade-marks of the two countries in China, which will enable French nationals to obtain protection in the British Consular Courts by registering their marks in this country in cases in which they can be properly registered under English law, and at the same time obtain for British nationals who register their marks in France the protection of the French Consular Courts.

The necessary steps are being taken for the issue of an Order in Council* to give effect to such an arrangement.

I have, &c.

A. J. BALFOUR.

(No. 104.) *EXCHANGE OF NOTES between Great Britain and Russia with regard to their respective Railway Interests in China. St. Petersburg, 28th April,* 1899.†

(1).—*Sir C. Scott to Count Mouravieff.*

THE Undersigned, British Ambassador, duly authorized to that effect, has the honour to make the following declaration to his Excellency Count Mouravieff, Russian Minister for Foreign Affairs :—

Great Britain and Russia, animated by a sincere desire to avoid in China all cause of conflict on questions where their interests meet, and taking into consideration the economic and geographical gravitation of certain parts of that Empire, have agreed as follows :—

1. Great Britain engages not to seek for her own account, or on behalf of British subjects or of others, any railway Concessions to the north of the Great Wall of China, and not to obstruct, directly or indirectly, applications for railway Concessions in that region supported by the Russian Government.

2. Russia, on her part, engages not to seek for her own account, or on behalf of Russian subjects or of others, any railway Concessions in the basin of the Yang-tsze, and not to obstruct, directly

* Dated 2nd February, 1899. Repealed; but see Order in Council of 11th February, 1907 (**No. 169**), Article 3.

† Parliamentary Paper. Treaty Series, No. 11 (1899).

or indirectly, applications for railway Concessions in that region supported by the British Government.

The two Contracting Parties, having nowise in view to infringe in any way the sovereign rights of China or existing Treaties, will not fail to communicate to the Chinese Government the present arrangement, which, by averting all cause of complications between them, is of a nature to consolidate peace in the Far East, and to serve the primordial interests of China herself.

CHARLES S. SCOTT.

St. Petersburg, April 28, 1899.

(2).—*Count Mouravieff to Sir C. Scott.*

Le Soussigné, Ministre des Affaires Étrangères de Russie, dûment autorisé à cet effet, a l'honneur de faire à son Excellence Sir Charles Scott, Ambassadeur Britannique, la déclaration suivante :—

La Russie et la Grande-Bretagne, animées du sincère désir d'éviter en Chine toute cause de conflits dans les questions où leurs intérêts se rencontrent et prenant en considération la gravitation économique et géographique de certaines parties de cet Empire, sont convenues de ce qui suit :—

1. La Russie s'engage à ne pas réclamer pour son compte et en faveur de sujets Russes ou autres des Concessions quelconques de chemins de fer dans le bassin du Yang-tzé et à ne pas contrecarrer directement ou indirectement dans cette région les demandes de Concessions de chemin de fer, appuyées par le Gouvernement Britannique.

2. La Grande-Bretagne, de son côté, s'engage à ne pas réclamer pour son compte et en faveur de sujets Britanniques ou autres des Concessions quelconques de chemins de fer au nord du Grand Mur de Chine et à ne pas contrecarrer directement ou indirectement dans cette région les demandes de Concessions de chemins de fer, appuyées par le Gouvernement Russe.

Les deux Parties Contractantes, n'ayant nullement en vue de porter une atteinte quelconque aux droits souverains de la Chine, ainsi qu'aux Traités existants, ne manqueront pas de faire part au Gouvernement Chinois du présent arrangement qui, en écartant toute cause de complication entre elles, est de nature à consolider la paix dans l'Extrême-Orient et à servir aux intérêts primordiaux de la Chine elle-même.

Le Soussigné, &c.

Comte MOURAVIEFF.

Saint-Pétersbourg, le 16 (28) *Avril*, 1899.

(3).—*Sir C. Scott to Count Mouravieff.*

In order to complete the notes exchanged this day respecting the partition of spheres for Concessions for the construction and working of railways in China, it has been agreed to record in the present additional note the arrangement arrived at with regard to the line Shanghaikuan-Newchwang, for the construction of which a loan has been already contracted by the Chinese Government with the Shanghai-Hong Kong Bank, acting on behalf of the British and Chinese Corporation.

The general arrangement established by the above-mentioned notes is not to infringe in any way the rights acquired under the said Loan Contract, and the Chinese Government may appoint both an English engineer and an European accountant to supervise the construction of the line in question, and the expenditure of the money appropriated to it.

But it remains understood that this fact cannot be taken as constituting a right of property or foreign control, and that the line in question is to remain a Chinese line, under the control of the Chinese Government, and cannot be mortgaged or alienated to a non-Chinese Company.

As regards the branch line from Siaoheichan to Sinminting, in addition to the aforesaid restrictions, it has been agreed that it is to be constructed by China herself, who may permit European—not necessarily British—engineers to periodically inspect it, and to verify and certify that the work is being properly executed.

The present special Agreement is naturally not to interfere in any way with the right of the Russian Government to support, if it thinks fit, applications of Russian subjects or establishments for Concessions for railways, which, starting from the main Manchurian line in a south-westerly direction, would traverse the region in which the Chinese line terminating at Sinminting and Newchwang is to be constructed.

CHARLES S. SCOTT.

St. Petersburg, April 28, 1899.

(4).—*Count Mouravieff to Sir C. Scott.*

Pour compléter les notes échangées aujourd'hui concernant la répartition des sphères de Concessions et d'exploitation des chemins de fer en Chine, il a été convenu de consigner dans la présente note additionnelle l'Accord survenu au sujet de la ligne Shanghaïkuan-Newchwang, pour la construction de laquelle un emprunt a déjà été contracté par le Gouvernement Chinois à la Banque de Shanghaï-Hong Kong, agissant au nom de la "British and Chinese Corporation."

L'arrangement général, établi par les notes précitées, ne

portera aucune atteinte aux droits acquis en vertu du Contrat de l'emprunt susdit, et il sera loisible au Gouvernement Chinois de nommer tant un ingénieur Anglais qu'un comptable Européen pour surveiller la construction de la ligne de chemin de fer en question et la dépense des sommes y affectées. Mais il reste bien entendu que ce fait ne saurait constituer un droit de propriété ou de contrôle étranger et que la ligne en question doit rester Chinoise, soumise au contrôle du Gouvernement Chinois, et ne pourra être engagée ou aliénée à une Compagnie non Chinoise.

Pour ce qui est de l'embranchement, se dirigeant de Siaoheï-chan à Sinminting, outre les restrictions susdites, il a été convenu qu'il sera construit par la Chine elle-même, qui pourra admettre des ingénieurs Européens—pas nécessairement Anglais—pour l'inspecter périodiquement, vérifier et certifier que les travaux sont dûment exécutés.

Le présent Accord spécial ne saurait, naturellement, entraver d'aucune façon le droit du Gouvernement Russe d'appuyer, s'il le juge opportun, des demandes de sujets ou établissements Russes, relatives à des Concessions de chemins de fer qui, partant de la ligne principale de Mandchourie et se dirigeant au sud-ouest, traverseraient la région où sera construite la ligne chinoise aboutissant à Sinminting et Newchwang.

Le Soussigné, &c.

Comte MOURAVIEFF.

Saint-Pétersbourg, le 16 (28) *Avril*, 1899.

(No. 105.) *EXCHANGE OF NOTES between Great Britain and France respecting Regulations to be applied in any future Extension of the British or French Concession at Hankow. London, 22nd December*, 1899, *and 15th January*, 1900.

(1).—*Note Verbale communicated to M. Cambon.*

It is understood on the part of Her Majesty's Government that, in the event of any extension of the French Concession at Hankow being obtained subsequently to this date, the following conditions as regards British property therein will be strictly observed :—

1. All deeds applying to British property to be registered in the British Consulate.

2. All Municipal Regulations to be submitted to Her Majesty's Minister at Peking before they can be enforced on British subjects.

3. All titles to British property which are declared in order by

the British Consul-General are to be so considered by the French authorities.

With respect to the British claims to land situated in the present French Concession, which are believed to be four in number, and all of which are represented by Mr. Greaves, of Hankow, as it is understood that the validity of the titles is questioned by the French authorities, Her Majesty's Government consent to the question being referred to the British and French Consuls-General at Shanghai, and failing an agreement being arrived at by them, to an Arbitrator, by whom the matter would be decided in accordance with precedent and local usage.

Foreign Office, London, December 22, 1899.

[(2).—*M. Cambon to the Marquess of Salisbury.*

Ambassade de France, Londres,
M. LE MARQUIS, *le 15 Janvier*, 1900.

J'ai l'honneur d'accuser réception à votre Seigneurie du Mémorandum qu'elle a bien voulu me faire parvenir, le 22 Décembre dernier, au sujet du Règlement à appliquer dans la Concession Française de Hankeou, dans le cas où elle viendrait à subir des accroissements.

Mon Gouvernement, à qui je n'avais pas manqué de l'adresser, me charge de vous faire savoir qu'il donne son adhésion aux quatre points résumés dans ce document. Il demeure, du reste, bien entendu entre les deux Gouvernements que, dans le cas où la Concession Britannique recevrait un agrandissement par la suite, les conditions ci-après énoncées seraient appliquées en ce qui concerne les terrains appartenant à des Français et se trouvant situés dans la zone qui serait englobée dans la Concession Anglaise :—

1. Tous actes s'appliquant à des propriétés Françaises seraient enregistrés au Consulat de France.

2. Tous les Règlements Municipaux seraient soumis au Ministre de France à Pékin, avant de pouvoir être appliqués à des citoyens Français.

3. Tous les titres des propriétés appartenant à des Français reconnus valables par le Consul de France seraient acceptés comme tels par les autorités Britanniques.

Veuillez, &c.,

PAUL CAMBON.

(No. 106.) *AGREEMENT between Great Britain and Germany with regard to their Policy in China. London, 16th October, 1900.**

(1).—*The Marquess of Salisbury to Count Hatzfeldt.*

YOUR EXCELLENCY, *Foreign Office, October* 16, 1900.

I HAVE the honour to inform you that Her Majesty's Government approve the Agreement annexed hereto which has been negotiated between your Excellency and myself with regard to the principles on which the mutual policy of Great Britain and Germany in China should be based.

I have, &c.

SALISBURY.

Inclosure in (1).

Agreement signed on the 16th October, 1900.

Her Britannic Majesty's Government and the Imperial German Government, being desirous to maintain their interests in China and their rights under existing Treaties, have agreed to observe the following principles in regard to their mutual policy in China :—

1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction; and the two Governments agree on their part to uphold the same for all Chinese territory as far as they can exercise influence.

2. Her Britannic Majesty's Government and the Imperial German Government will not, on their part, make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire.

3. In case of another Power making use of the complications in China in order to obtain under any form whatever such territorial advantages the two Contracting Parties reserve to themselves to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China.

4. The two Governments will communicate this Agreement to the other Powers interested, and especially to Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, and will invite them to accept the principles recorded in it.†

* Parliamentary Paper. Treaty Series, No. 1 (1901).

† For replies, see page 592.

(2).—*Count Hatzfeldt to the Marquess of Salisbury.*

(Translation.) *German Embassy, London,*
MY LORD, *October* 16, 1900.

I have the honour to inform your Excellency that my Government have concurred in the following points agreed to between your Excellency and myself:—

"The Imperial German Government and Her Britannic Majesty's Government, being desirous to maintain their interests in China and their rights under existing Treaties, have agreed to observe the following principles in regard to their mutual policy in China:—

"1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction; and the two Governments agree on their part to uphold the same for all Chinese territory as far as they can exercise influence.

"2. The Imperial German Government and Her Britannic Majesty's Government will not, on their part, make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire.

"3. In case of another Power making use of the complications in China in order to obtain under any form whatever such territorial advantages, the two Contracting Parties reserve to themselves to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China.

"4. The two Governments will communicate this Agreement to the other Powers interested, and especially to Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, and will invite them to accept the principles recorded in it."

With the highest respect, &c., &c.,
HATZFELDT.

REPLIES* of the Governments of Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, respecting the Principles recorded in the Anglo-German Agreement of 16th October, 1900.†

AUSTRIA-HUNGARY.

Sir F. Plunkett to the Marquess of Salisbury.

MY LORD, *Vienna, October* 25, 1900.

On receipt of your Lordship's telegram of the 20th instant, I at once called upon the German Ambassador in order to concert

* Parliamentary Paper. China, No. 5 (1900). † Page 591.

with his Excellency for communicating to the Austro-Hungarian Government the Agreement respecting China which your Lordship had signed with the German Ambassador in London on the 16th instant.

Prince Eulenberg expressed much satisfaction at your Lordship having desired me to concert with him for the communication of this Agreement, and my telegrams of the 21st and 23rd instant will have shown that, in view of the absence from Vienna of Count Goluchowski, and in view of the fact of Prince Eulenburg being confined to his house with a cold, we decided to communicate the Agreement to Count Szecsen through our respective Secretaries of Embassy.

Mr. Milbanke and Baron Romberg, therefore, went to the Foreign Department next morning and made communication separately of the Agreement.

Count Szecsen called at this Embassy and at the German Embassy the day before yesterday to say that he had informed the Emperor and Count Goluchowski of this communication, and was authorized to state that the Austro-Hungarian Government had heard with pleasure that Great Britain had come to this understanding with Germany, and accepted willingly the principles recorded in the Agreement which had been signed by your Lordship and the German Ambassador in London.

I have, &c.
F. R. PLUNKETT.

FRANCE.

Memorandum communicated by M. Cambon, October 31, 1900.

Le Gouvernement de la République a pris connaissance de l'arrangement du 16 Octobre entre les Gouvernements Allemand et Anglais qui lui a été communiqué par les Ambassadeurs d'Allemagne et d'Angleterre à Paris.

Le Gouvernement de la République a dès longtemps manifesté son désir de voir la Chine s'ouvrir à l'activité économique du monde entier. De là l'adhésion empressée qu'il a donnée au mois de Décembre dernier à une proposition du Gouvernement des États-Unis* dictée par la même préoccupation. Son sentiment à cet égard ne s'est pas modifié.

Quant à l'intégrité de la Chine, le Gouvernement de la République en affirme d'autant plus volontiers le principe qu'il en a fait, et qu'il l'a dit à plusieurs reprises, la base de sa politique dans la crise à laquelle les communs efforts des Puissances tendent à trouver une solution satisfaisante.

L'assentiment universel à ce principe paraît au Gouvernement

* See Parliamentary Paper. China, No. 2 (1900). Correspondence with the United States Government respecting Foreign Trade in China (the Policy of the "Open Door").

de la République une sûre garantie de son respect ; et si contre toute attente, il devait subir une atteinte, la France s'inspirerait des circonstances pour la sauvegarde de ses intérêts et des droits qu'elle tient des Traités.

Ce 31 *Octobre*, 1900.

ITALY.

M. Visconti-Venosta to Lord Currie.

(Translation.) *Ministry of Foreign Affairs,*

M. L'AMBASSADEUR, *Rome, October* 22, 1900.

In your note of yesterday your Excellency communicated to me, in accordance with instructions received from your Government, the Agreement arrived at on the 16th instant between Lord Salisbury and Count Hatzfeldt with regard to China.

The two Contracting Governments having pledged themselves to give notice of their Agreement to the Powers interested, especially to France, Italy, Japan, Austria-Hungary, Russia, and the United States with an invitation to agree to the principles enunciated therein, your Excellency asked me whether these principles were accepted by the Italian Government.

Having taken His Majesty's orders, I am to-day in a position to inform your Excellency that the Italian Government, recognizing in the Anglo-German Agreement those same principles which rule their own policy in China, do not hesitate to give their adhesion thereto.

I beg your Excellency to be so good as to bring the above to the knowledge of Her Majesty's Government.

I have, &c.

VISCONTI-VENOSTA.

JAPAN.

Mr. Kato to Mr. Whitehead.

(Translation.) *Department of Foreign Affairs,*

SIR, *Tokio, October* 29, 1900.

I have the honour to acknowledge the receipt of your note of the 24th instant, in which, in obedience to instructions from the Marquess of Salisbury, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, you communicated to me the text of an Agreement, signed on the 16th instant by his Lordship and the German Ambassador, which reads as follows :—

[See Page 591.]

At the same time, in further compliance with Lord Salisbury's instructions, you requested me to inform you whether the Imperial Japanese Government are inclined to accept the principles recorded in said Agreement.

The Imperial Government, having received assurances from the contracting Powers to the effect that, in adhering to the Agreement in question, they will be placed in relation to such Agreement in the same position they would have occupied if they had been a signatory instead of an adhering State, do not hesitate to formally declare that they adhere to the said Agreement, and accept the principles embodied therein.

Accept, &c.,
KATO TAKAAKI.

RUSSIA.

Memorandum.

L'arrangement conclu entre l'Allemagne et l'Angleterre ne modifie pas sensiblement, à notre point de vue, la situation en Chine.

Le point 1^er^ de cet accord, stipulant que les ports situés sur les fleuves et sur le littoral de la Chine partout où les deux Gouvernements exercent leur influence *restent* libres et ouverts au commerce, peut être accueilli favorablement par la Russie, cette stipulation ne portant aucune atteinte au *status quo* établi en Chine par les Traités existants.

Le point 2 répond d'autant plus aux intentions de la Russie que, dès le début des complications actuelles, elle a été la première à poser le maintien de l'intégrité du Céleste Empire comme principe fondamental de sa politique en Chine.

Quant au point 3, relatif à l'éventualité d'une atteinte qui serait portée à ce principe fondamental, le Gouvernement Impérial, en se référant à sa Circulaire du 12 (25) Août, ne peut que renouveler la déclaration qu'une pareille atteinte obligerait la Russie de modifier son attitude selon les circonstances.

Le point 4 n'exige aucun commentaire.

Saint-Pétersbourg, le 15 (28) *Octobre*, 1900.

UNITED STATES.

Mr. Hay to Lord Pauncefote.

Department of State, Washington,
EXCELLENCY, *October* 29, 1900.

I have the honour to acknowledge the receipt of your note of the 23rd October, inclosing the text of an Agreement between Great Britain and Germany relating to affairs in China, which was signed in London on the 16th instant by the Marquess of Salisbury

and the German Ambassador, on behalf of their respective Governments, and inviting the acceptance by the United States of the principles recorded in that Agreement.

These principles are—

"1. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade, and to every other legitimate form of economic activity for the nationals of all countries without distinction, and the two Governments agree on their part to uphold the same for all Chinese territory so far as they can exercise influence.

"2. Her Britannic Majesty's Government and the Imperial German Government will not on their part make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions, and will direct their policy towards maintaining undiminished the territorial condition of the Chinese Empire."

The United States have heretofore made known their adoption of both these principles. During the last year this Government invited the Powers interested in China to join in an expression of views and purposes in the direction of impartial trade with that country, and received satisfactory assurances to that effect from all of them.* When the recent troubles were at their height, this Government, on the 3rd July, once more made an announcement of its policy regarding impartial trade and the integrity of the Chinese Empire, and had the gratification of learning that all the Powers held similar views. And since that time the most gratifying harmony has existed among all the nations concerned as to the ends to be pursued, and there has been little divergence of opinion as to the details of the course to be followed.

It is therefore with much satisfaction that the President directs me to inform you of the full sympathy of this Government with those of Her Britannic Majesty and the German Emperor in the principles set forth in the clauses of the Agreement above cited.

The third clause of the Agreement provides—

"3. In case of another Power making use of the complications in China in order to obtain, under any form whatever, such territorial advantages, the two Contracting Parties reserve to themselves to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China."

As this clause refers to a reciprocal arrangement between the two High Contracting Powers, the Government of the United States does not regard itself as called upon to express an opinion in respect to it.

I have, &c.,

JOHN HAY.

* See Parliamentary Paper. China, No. 2 (1900). Correspondence with the United States Government respecting Foreign Trade in China (the Policy of the "Open Door").

(No. 107.) *AGREEMENT between Great Britain and Japan relative to China and Corea. Signed at London, 30th January,* 1902.*

THE Governments of Great Britain and Japan, actuated solely by a desire to maintain the *status quo* and general peace in the extreme East, being moreover specially interested in maintaining the independence and territorial integrity of the Empire of China and the Empire of Corea, and in securing equal opportunities in those countries for the commerce and industry of all nations, hereby agree as follows :—

ARTICLE I.

The High Contracting Parties having mutually recognized the independence of China and of Corea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the interests which she possesses in China, is interested in a peculiar degree politically as well as commercially and industrially in Corea, the High Contracting Parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other Power, or by disturbances arising in China or Corea, and necessitating the intervention of either of the High Contracting Parties for the protection of the lives and property of its subjects.

ARTICLE II.

If either Great Britain or Japan, in the defence of their respective interests as above described, should become involved in war with another Power, the other High Contracting Party will maintain a strict neutrality, and use its efforts to prevent other Powers from joining in hostilities against its ally.

ARTICLE III.

If, in the above event, any other Power or Powers should join in hostilities against that ally, the other High Contracting Party will come to its assistance, and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE IV.

The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the interests above described.

* Parliamentary Paper. Treaty Series, No. 3 (1902). Replaced by Agreement of 12th August, 1905 (**No. 114**).

ARTICLE V.

Whenever, in the opinion of either Great Britain or Japan, the above-mentioned interests are in jeopardy, the two Governments will communicate with one another fully and frankly.

ARTICLE VI.

The present Agreement shall come into effect immediately after the date of its signature, and remain in force for five years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said five years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto*, continue until peace is concluded.

In faith whereof the Undersigned, duly authorized by their respective Governments, have signed this Agreement and have affixed thereto their seals.

Done in duplicate at London, the 30th day of January, 1902.

(L.S.) LANSDOWNE.
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

(L.S.) HAYASHI.
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

(No. 108.) *AGREEMENT between France and Russia respecting the Integrity of China, &c.* 1902.*

Memorandum communicated by the Russian Chargé d'Affaires, March 19, 1902.

Les Gouvernements alliés de Russie et de France ayant reçu communication de la Convention Anglo-Japonaise du 30 Janvier, 1902 (**No. 107**), conclue dans le but d'assurer le *statu quo* et la paix générale en Extrême-Orient, et de maintenir l'indépendance de la Chine et de la Corée, qui doivent rester ouvertes au commerce et à l'industrie de toutes les nations, ont été pleinement satisfaits d'y trouver l'affirmation des principes essentiels qu'ils ont eux-mêmes, à plusieurs reprises, déclaré constituer et qui demeurent la base de leur politique.

* Parliamentary Paper. China, No. 2 (1904). Page 35.

Les deux Gouvernements estiment que le respect de ces principes est en même temps une garantie pour leurs intérêts spéciaux en Extrême-Orient. Toutefois, obligés d'envisager, eux aussi, le cas où, soit l'action agressive de tierces Puissances, soit de nouveaux troubles en Chine, mettant en question l'intégrité et le libre développement de cette Puissance, deviendraient une menace pour leurs propres intérêts, les deux Gouvernements alliés se réservent d'aviser éventuellement aux moyens d'en assurer la sauvegarde.

Saint-Pétersbourg, le 3 (16) *Mars*, 1902.

(No. 109.) *EXCHANGE OF NOTES between Great Britain and Italy respecting the Reciprocal Protection of Trade Marks in China. London,* $\frac{\text{30th July}}{\text{7th August}}$, 1903.

(1).—*M. Carignani to the Marquess of Lansdowne.*

Translation.)

My Lord, *Italian Embassy, London, July* 30, 1903.

The Government of His Majesty the King, my august Sovereign, being desirous of coming to an arrangement with the other Governments, with a view to secure the reciprocal protection of trade-marks in China, have now instructed me to bring the following to the knowledge of your Lordship :—

1. In virtue of the civil and penal jurisdiction which is intrusted to the Consuls and Consular Tribunals of His Majesty the King of Italy, and which they exercise in China, they are competent to take cognizance of all claims which may be presented to them respecting the counterfeiting of trade-marks by Italian subjects.

2. So any claim which English manufacturers may have to present to them in order to obtain protection for trade-marks, duly registered in the Kingdom of Italy, as against Italian subjects, shall henceforward be adjudicated, in the first instance, by the Consular Tribunal, and, in the last instance, by the Court of Appeal at Ancona.

3. The right of property in trade-marks is regulated in Italy by the Law of the 30th August, 1868.

I have the honour to request your Lordship to be good enough to take note of this declaration, and to inform me whether Italian subjects will be able to invoke the same legal protection in China, on the part of the English Consular authorities, in all that concerns their property in trade-marks duly registered in Great Britain.

I have, &c.,

CARIGNANI.

(2).—*The Marquess of Lansdowne to M. Carignani.*

SIR, *Foreign Office, August* 7, 1903.

I have the honour to acknowledge the receipt of your note of the 30th ultimo, informing me of the desire of the Italian Government to come to an arrangement with His Majesty's Government for the mutual protection of British and Italian trade-marks in China, and stating that any claim which English manufacturers may have to present to His Italian Majesty's Consuls and Consular Tribunals in China, in order to obtain protection for trade-marks, duly registered in the Kingdom of Italy, as against Italian subjects, will henceforward be adjudicated, in the first instance, by the Consular Tribunals, and, in the last instance, by the Court of Appeal at Ancona.

In reply to your inquiry whether Italian subjects will be able to invoke the same legal protection in China, on the part of the English Consular authorities, in all that concerns their property in trade-marks duly registered in Great Britain, I have the honour to state that under the Order in Council of the 2nd February, 1899,* it is open to an Italian whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Court, provided that the consent in writing of His Majesty's Minister or the Chargé d'Affaires be obtained to the prosecution. Such consent, however, may be withheld if His Majesty's Minister or Chargé d'Affaires is not satisfied that effectual provision exists for the punishment in the Italian Consular Court of Italian subjects infringing British trade-marks.

A copy of your note will be sent to His Majesty's Chargé d'Affaires at Peking, and Mr. Townley's attention will be called to the statements contained in it as to the competence in such matters of the Italian Consular Courts.

I have, &c.,
LANSDOWNE.

(No. 110.) *EXCHANGE OF NOTES between Great Britain and Portugal respecting the Reciprocal Protection of Trade Marks in China. Lisbon,* $\frac{4\text{th}}{8\text{th}}$ *August,* 1904.

(1).—*Mr. Cartwright to Senhor de Lima.*

YOUR EXCELLENCY, *Lisbon, August* 4, 1904.

UNDER an Order in Council of the 2nd February, 1899,* it is open to a foreigner whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Consular Court, provided—

1. That the consent, in writing, of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution; but

* Repealed; but see Order in Council of 11th February, 1907 (**No. 169**), *Article* 3.

2. Such consent may be withheld unless His Majesty's Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in Consular or other Courts in China of similar acts committed by the subjects of the State or Power of which such prosecutor is a subject.

By correspondence with the French, German,* and Italian Representatives in London, it has been ascertained that provision exists for the punishment in the Consular Courts of France, Germany, and Italy in China of subjects of those countries, should they infringe British trade-marks, and the necessary information has been given to His Majesty's Representative at Peking, and to the Representatives there of the three countries mentioned, to enable them to carry out the arrangements desired by their Governments for the mutual protection of their trade-marks.

I have the honour to inform your Excellency that, in communicating the above to you, I have been instructed by the Marquess of Lansdowne to inquire whether the Portuguese Government would be disposed to conclude a similar arrangement with His Majesty's Government.

I avail, &c.,

FAIRFAX L. CARTWRIGHT.

(2).—*Senhor de Lima to Mr. Cartwright.*

(Translation.) *Lisbon, August* 8, 1904.

I am in receipt of the note by which you communicate to me the desire of the Marquess of Lansdowne to know whether the Portuguese Government would be disposed to conclude an arrangement with His Britannic Majesty's Government in the sense of assuring mutual protection for Portuguese and British trade-marks in China.

In reply, I have the honour to inform you that the Portuguese Government have no objection in concluding the proposed arrangement in such a manner that, on the date† which may be fixed by exchange of notes, both Governments shall transmit instructions to their Diplomatic Representatives at Peking, for the purpose of bringing into effect, before the Portuguese Consular Courts, offences for infringement by Portuguese subjects of British trade-marks duly registered in Portugal, and, reciprocally, before the British Consular Courts, offences for infringement by British subjects of Portuguese trade-marks, duly registered in the United Kingdom, in conformity with the International Convention of the 20th March, 1883.‡

I avail, &c.,

WENCESLAU DE LIMA.

* See **No. 117**, page 616.
† The 1st October, 1904, was eventually fixed as the date.
‡ "Hertslet's Commercial Treaties." Vol. 17, page 401.

(No. 111.) *EXCHANGE OF NOTES between Great Britain and the Netherlands respecting the Reciprocal Protection of Trade Marks in China. The Hague,* $\frac{15\text{th August}}{7\text{th September}}$, 1904.

(1).—*Sir H. Howard to Baron de Lynden.*

M. LE MINISTRE, *The Hague, August* 15, 1904.

UNDER a British Order in Council of the 2nd of February, 1899,* it is open to a foreigner whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Consular Court, provided—

1. That the consent in writing of the British Minister or Chargé d'Affaires be obtained to the prosecution; but

2. Such consent may be withheld unless the British Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in Consular or other Courts in China of similar acts committed by the subjects of the State or Power of which such prosecutor is a subject.

By correspondence with the French, German,† and Italian Representatives at the Court of St. James, it has been ascertained that provision exists for the punishment in the Consular Courts of France, Germany, and Italy in China of subjects of those countries, should they infringe British trade-marks, and the necessary information has been given to His Majesty's Representatives in Peking, and to the Representatives there of the above-mentioned countries to enable them to carry out the arrangements desired by their Governments for the mutual protection of their trade-marks.

In view of these arrangements I am desired by the Marquess of Lansdowne to enquire of your Excellency whether the Netherland Government would be disposed to conclude a similar arrangement with His Majesty's Government.

While expressing the hope that I may receive a favourable reply in this regard, and inclosing copies of the Order in Council of the 2nd February, 1899, as also of the correspondence which took place last year with the Italian Representative in London on the subject, I avail myself, &c.,

HENRY HOWARD.

(2).—*Baron de Lynden to Sir H. Howard.*

M. LE MINISTRE, *La Haye, le 7 Septembre,* 1904.

Par son office du 15 Août dernier votre Excellence a bien voulu me proposer d'arriver à une entente concernant la protection réciproque des marques de fabrique et de commerce en Chine.

* Repealed; but see Order in Council of 11th February, 1907 (**No. 169**), Article 3.

† See **No. 117**, page 616.

En réponse j'ai l'honneur de porter à la connaissance de votre Excellence que la Loi Néerlandaise protège les marques de fabrique et de commerce dûment enregistrées dans le pays, quelle que soit la nationalité de leur propriétaire, et cela non seulement lorsque les infractions ont été commises dans le pays même, mais aussi lorsqu'elles ont été commises dans un pays soumis au régime de l'exterritorialité, tel que la Chine.

Le Gouvernement Britannique étant disposé de donner des instructions analogues à son Représentant en Chine, j'ai informé le Ministre des Pays-Bas à Pékin que, dans le cas où une marque de fabrique ou de commerce appartenant à un sujet ou protégé Britannique, et dûment enregistrée aux Pays-Bas, serait contrefaite par un de ses ressortissants, cette infraction à la Loi Néerlandaise devra être poursuivie devant le Tribunal Consulaire compétent.

En priant votre Excellence de bien vouloir me faire savoir la suite que son Gouvernement aura donnée à cette affaire, je saisis, &c.

Baron MELVIL DE LYNDEN.

(No. 112.) *EXCHANGE OF NOTES between Great Britain and Belgium respecting the Reciprocal Protection of Trade Marks in China. Brussels, $\frac{15th}{30th}$ September*, 1904.

(1).—*Sir C. Phipps to Baron de Favereau.*

M. LE MINISTRE, *Brussels, September* 15, 1904.

I DID not fail to communicate to His Majesty's Government your Excellency's note of the 31st ultimo, in which you notified to me the willingness of the Belgian Government to come to an agreement with His Majesty's Government upon the subject of mutual protection of trade-marks in China.

I have now the honour to inform your Excellency, by direction of the Marquess of Lansdowne, that His Majesty's Minister at Peking has been informed of the readiness of the Belgian Government to conclude with His Majesty's Government an arrangement for the mutual protection of British and Belgian trade-marks in China similar to those made by Belgium with other European Powers, and that Sir E. Satow has been requested to issue the necessary instructions to His Majesty's Consular officers in order that protection may be afforded in the British Consular Courts to Belgian trade-marks should they be infringed by British subjects.

I avail, &c.,

CONSTANTINE PHIPPS.

(2).—*Baron de Favereau to Sir C. Phipps.*

M. LE MINISTRE, *Bruxelles, le 30 Septembre*, 1904.

J'ai sous les yeux la lettre que votre Excellence a bien voulu m'adresser le 15 Septembre courant au sujet de la protection réciproque des marques de fabrique Belges et Anglaises en Chine.

Cette communication constate que le Gouvernement de Sa Majesté Britannique a donné les instructions nécessaires pour que les Tribunaux Consulaires de la Grande-Bretagne assurent la protection légale des marques de fabrique appartenant à des ressortissants Belges et qui seraient l'objet de contrefaçons de la part de nationaux Anglais.

En donnant acte à votre Excellence de cette communication, j'ai l'honneur de lui faire savoir que le Gouvernement du Roi assurera, de son côté, dans l'Empire Chinois, la protection des marques de fabrique ou de commerce Anglaises régulièrement déposées en Belgique, et qui seraient contrefaites par des Belges ou des protégés Belges.

La Légation de Belgique à Pékin, ainsi que les Consulats, Vice-Consulats, et Agences Consulaires Belges en Chine, sont compétents pour connaître des réclamations dont ils seraient saisis en la matière.

J'ai eu soin d'informer notre Ministère à Pékin de même que nos Agents Consulaires en Chine de la réalisation entre la Belgique et la Grande-Bretagne de l'accord que constate l'échange de correspondance intervenu entre la Légation Britannique et mon Département.

Je saisis, &c.,

(pour Baron de Favereau),

J. DE TROOZ,

Ministre de l'Intérieur et de l'Instruction Publique.

(No. 113.) *EXCHANGE OF NOTES between Great Britain and the United States respecting the Reciprocal Protection of Trade Marks in China.* Peking, 28th June*, 1905.

(1).—*Mr. Rockhill to Sir E. Satow.*

American Legation, Peking, China,

MR. MINISTER AND DEAR COLLEAGUE, *June* 28, 1905.

THE Acting Secretary of State of the United States has informed me in an instruction dated April 17, 1905, that you have been authorized by your Government to enter into a reciprocal agreement with me for the mutual protection of trade-marks registered

* See Order in Council of 11th February, 1907 (**No. 169**), Article 3.

in the United States and Great Britain against infringement in China by the citizens or subjects of our respective nations, and he has given me authority to effect with you by an exchange of notes an agreement for the reciprocal protection of American and British trade-marks in China.

In pursuance of the general agreement reached between our respective Governments on the subject, it affords me much satisfaction to agree, on behalf of the Government of the United States, that henceforth trade-marks of British subjects, having been duly registered in the United States of America, will be protected against infringement by such persons as come under the jurisdiction of the United States Consular Courts in China, in which effectual provision exists for the punishment of such infringements by American citizens

I have, &c.,

W. W. ROCKHILL.

(2).—*Sir E. Satow to Mr. Rockhill.*

MR. MINISTER AND DEAR COLLEAGUE, *Peking, June* 28, 1905.

I have the honour to acknowledge the receipt of your letter of this date, informing me that you have been authorized by your Government to effect with me by an exchange of notes an agreement for the reciprocal protection of American and British trade-marks.

I beg to thank you for this communication and to assure you that it affords me much satisfaction to enter into this reciprocal agreement, and henceforth protection will be afforded in China by His Britannic Majesty's Supreme Court for China and Corea and the Provincial Courts to trade-marks of citizens of the United States which have been duly registered in Great Britain in conformity with "The Patents, Designs, and Trade-marks Acts, 1883 to 1888."

At the same time it appears necessary to mention that the consent in writing of His Majesty's Minister or Chargé d'Affaires must be obtained on each occasion, which consent will be given as a matter of course in consequence of the assurance contained in your note under reply that effectual provision exists for the punishment in the United States Consular Courts in China of infringement, by such persons as come under the jurisdiction of those Courts, of the trade-marks of British subjects which shall have been duly registered in the United States of America.

I have, &c.,

ERNEST SATOW.

(No. 114.) *AGREEMENT between Great Britain and Japan respecting the Integrity of China, &c. Signed at London, 12th August*, 1905.*

Preamble.

THE Governments of Great Britain and Japan, being desirous of replacing the Agreement concluded between them on the 30th January, 1902 (**No. 107**), by fresh stipulations, have agreed upon the following Articles, which have for their object—

(*a*) The consolidation and maintenance of the general peace in the regions of Eastern Asia and of India ;

(*b*) The preservation of the common interests of all Powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China ;

(*c*) The maintenance of the territorial rights of the High Contracting Parties in the regions of Eastern Asia and of India, and the defence of their special interests in the said regions :—

ARTICLE I.

It is agreed that whenever, in the opinion of either Great Britain or Japan, any of the rights and interests referred to in the preamble of this Agreement are in jeopardy, the two Governments will communicate with one another fully and frankly, and will consider in common the measures which should be taken to safeguard those menaced rights or interests.

ARTICLE II.

If by reason of unprovoked attack or aggressive action, wherever arising, on the part of any other Power or Powers either Contracting Party should be involved in war in defence of its territorial rights or special interests mentioned in the preamble of this Agreement, the other Contracting Party will at once come to the assistance of its ally, and will conduct the war in common, and make peace in mutual agreement with it.

ARTICLE III.

Japan possessing paramount political, military, and economic interests in Corea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Corea as she may deem proper and necessary to safeguard and advance those interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

* Parliamentary Paper. Treaty Series, No. 25 (1905). See Despatch of 6th September, 1905 (**No. 204**).

ARTICLE IV.

Great Britain having a special interest in all that concerns the security of the Indian frontier, Japan recognizes her right to take such measures in the proximity of that frontier as she may find necessary for safeguarding her Indian possessions.

ARTICLE V.

The High Contracting Parties agree that neither of them will, without consulting the other, enter into separate arrangements with another Power to the prejudice of the objects described in the preamble of this Agreement.

ARTICLE VI.

As regards the present war between Japan and Russia,* Great Britain will continue to maintain strict neutrality unless some other Power or Powers should join in hostilities against Japan, in which case Great Britain will come to the assistance of Japan, and will conduct the war in common, and make peace in mutual agreement with Japan.

ARTICLE VII.

The conditions under which armed assistance shall be afforded by either Power to the other in the circumstances mentioned in the present Agreement, and the means by which such assistance is to be made available, will be arranged by the Naval and Military authorities of the Contracting Parties, who will from time to time consult one another fully and freely upon all questions of mutual interest.

ARTICLE VIII.

The present Agreement shall, subject to the provisions of Article VI, come into effect immediately after the date of its signature, and remain in force for ten years from that date.

In case neither of the High Contracting Parties should have notified twelve months before the expiration of the said ten years the intention of terminating it, it shall remain binding until the expiration of one year from the day on which either of the High Contracting Parties shall have denounced it. But if, when the date fixed for its expiration arrives, either ally is actually engaged in war, the alliance shall, *ipso facto*, continue until peace is concluded.

In faith whereof the Undersigned, duly authorized by their

* See Treaty of Peace, 5th September, 1905 (**No. 115**).

respective Governments, have signed this Agreement and have affixed thereto their Seals.

Done in duplicate at London, the 12th day of August, 1905.

(L.S.) LANSDOWNE.
His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

(L.S.) TADASU HAYASHI.
Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan at the Court of St. James.

(No. 115.) *TREATY OF PEACE between Japan and Russia. Signed at Portsmouth (New Hampshire), 5th September, 1905.*

[Signed also in English.]

Sa Majesté l'Empereur du Japon, d'une part, et Sa Majesté l'Empereur de Toutes les Russies, d'autre part, étant animés du désir de rétablir les bienfaits de la paix pour leurs pays et pour leurs peuples, ont décidé de conclure un Traité de Paix, et ont nommé à cet effet leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur du Japon :

Son Excellence le Baron Komura Jutaro, Jusammi, Grand Cordon de l'Ordre Impérial du Soleil Levant, son Ministre des Affaires Étrangères ; et

Son Excellence M. Takahira Kogoro, Jusammi, Grand Cordon de l'Ordre Impérial du Trésor Sacré, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès des États-Unis d'Amérique ;

Et Sa Majesté l'Empereur de Toutes les Russies :

Son Excellence M. Serge Witte, son Secrétaire d'État et Président du Comité des Ministres de l'Empire de Russie ; et

Son Excellence le Baron Roman Rosen, Maître de la Cour Impériale de Russie, et son Ambassadeur Extraordinaire et Plénipotentiaire auprès des États-Unis d'Amérique ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, ont conclu les Articles suivants :—

ARTICLE Ier.

Peace and Amity.

Il y aura à l'avenir paix et amitié entre leurs Majestés l'Empereur du Japon et l'Empereur de Toutes les Russies, ainsi qu'entre leurs États et sujets respectifs.

ARTICLE II.

Corea.

Le Gouvernement Impérial de Russie, reconnaissant que le Japon possède en Corée des intérêts prédominants politiques, militaires et économiques, s'engage à ne point intervenir ni mettre d'obstacles aux mesures de direction, de protection et de contrôle que le Gouvernement Impérial du Japon pourrait considérer nécessaire de prendre en Corée.

Il est entendu que les sujets Russes en Corée seront traités exactement de la même manière que les ressortissants des autres pays étrangers, à savoir, qu'ils seront placés sur le même pied que les ressortissants de la nation la plus favorisée.

Il est de même convenu que, pour éviter toute cause de malentendu, les deux Hautes Parties Contractantes s'abstiendront, sur la frontière Russo-Coréenne, de prendre toute mesure militaire qui pourrait menacer la sécurité du territoire Russe ou Coréen.

ARTICLE III.

Evacuation of Manchuria. Chinese Sovereignty.

Le Japon et la Russie s'engagent mutuellement :

1er. A évacuer complètement et simultanément la Mandchourie, à l'exception du territoire sur lequel s'étend le bail de la Presqu'île de Liaotong, conformément aux dispositions de l'Article Additionnel Ier annexé à ce Traité ; et

2. A restituer entièrement et complètement à l'administration exclusive de la Chine toutes les parties de la Mandchourie qui sont occupées maintenant par les troupes Japonaises ou Russes ou qui sont sous leur contrôle, à l'exception du territoire susmentionné.

Le Gouvernement Impérial de Russie déclare qu'il n'a point en Mandchourie d'avantages territoriaux ou concessions préférentielles ou exclusives de nature à porter atteinte à la souveraineté de la Chine ou incompatibles avec le principe d'opportunité égale.

ARTICLE IV.

Development of Manchuria.

Le Japon et la Russie s'engagent réciproquement à ne mettre aucun obstacle aux mesures générales qui s'appliquent également à toutes les nations et que la Chine pourrait prendre pour le développement du commerce et de l'industrie en Mandchourie.

ARTICLE V.*

Transfer to Japan of Lease of Port Arthur, Talien, &c.

Le Gouvernement Impérial de Russie cède au Gouvernement Impérial du Japon, avec le consentement du Gouvernement de Chine,

* See Treaty between China and Japan of 22nd December, 1905 (No. 67).

le bail de Port Arthur, de Talien, et des territoires et eaux territoriales adjacents, ainsi que tous les droits, privilèges et concessions se rattachant à ce bail ou en faisant partie, et il cède, de même, au Gouvernement Impérial du Japon, tous les travaux et propriétés publics dans le territoire sur lequel s'étend le bail susmentionné.

Les deux Hautes Parties Contractantes s'engagent mutuellement à obtenir du Gouvernement de Chine le consentement mentionné dans la stipulation ci-dessus.

Le Gouvernement Impérial du Japon donne, de sa part, l'assurance que les droits de propriété des sujets Russes dans le territoire susmentionné seront parfaitement respectés.

ARTICLE VI.*

Transfer to Japan of Chang-Chun (Kuan-cheng-tzu)—Port Arthur Railway, and Coal Mines.

Le Gouvernement Impérial de Russie s'engage à céder au Gouvernement Impérial du Japon, sans compensation, avec le consentement du Gouvernement de Chine, le chemin de fer entre Tchan-Tchoun (Kouan-Tchen-Tsy) et Port Arthur, et tous ses embranchements, avec tous les droits, privilèges et propriétés y appartenant dans cette région, ainsi que toutes les mines de charbon dans la dite région, appartenant à ce chemin de fer ou en exploitation pour son profit.

Les deux Hautes Parties Contractantes s'engagent mutuellement à obtenir du Gouvernement de Chine le consentement mentionné dans la stipulation ci-dessus.

ARTICLE VII.

Railways in Manchuria not to be exploited for strategic purposes.

Le Japon et la Russie s'engagent à exploiter leurs chemins de fer respectifs en Mandchourie exclusivement dans un but commercial et industriel, mais nullement dans un but stratégique.

Il est entendu que cette restriction ne s'applique pas aux chemins de fer dans le territoire sur lequel s'étend le bail de la Presqu'île de Liaotong.

ARTICLE VIII.†

Railways in Manchuria. Separate Convention to be concluded.

Les Gouvernements Impériaux du Japon et de Russie, en vue de favoriser et de faciliter les relations et le trafic, concluront, aussitôt que possible, une Convention séparée pour le règlement de leurs services de raccordement de chemins de fer en Mandchourie.

* See Treaty between China and Japan of 22nd December, 1905 (No. 67).
† See Convention between Japan and Russia of 31st May, 1907 (No. 207).

ARTICLE IX.

Cession to Japan of South of Saghalien. No Fortifications. Free Navigation of Straits.

Le Gouvernement Impérial de Russie cède au Gouvernement Impérial du Japon en perpétuité et en pleine souveraineté la partie sud de l'Ile de Sakhaline et toutes les îles qui y sont adjacentes, ainsi que tous les travaux et propriétés publics qui s'y trouvent. Le 50° parallèle de latitude nord est adopté comme la limite du territoire cédé. La ligne-frontière exacte de ce territoire sera déterminée conformément aux dispositions de l'Article Additionnel II annexé à ce Traité.

Le Japon et la Russie conviennent mutuellement de ne construire dans leurs possessions respectives sur l'Ile de Sakhaline et sur les îles qui y sont adjacentes aucune fortification ni travaux militaires semblables. De même, ils s'engagent respectivement à ne prendre aucune mesure militaire qui pourrait entraver la libre navigation des Détroits de La Pérouse et de Tartarie.

ARTICLE X.

Rights of Russian Subjects in Ceded Territory.

Il est réservé aux sujets Russes habitants du territoire cédé au Japon de vendre leurs propriétés immobilières et de se retirer dans leur pays ; mais, s'ils préfèrent rester dans le territoire cédé, ils seront maintenus et protégés dans le plein exercice de leurs industries et droits de propriété, à la condition de se soumettre aux lois et à la juridiction Japonaises. Le Japon aura la pleine liberté de retirer le droit de résidence dans ce territoire à tous les habitants se trouvant dans l'incapacité politique ou administrative, ou de les déporter de ce territoire. Il s'engage toutefois à ce que les droits de propriété de ces habitants soient pleinement respectés.

ARTICLE XI.

Fisheries in the Japan, Okhotsk and Behring Seas.

La Russie s'engage à s'entendre avec le Japon pour concéder aux sujets Japonais des droits de pêche le long des côtes des possessions Russes dans les Mers du Japon, d'Okhotsk, et de Behring.

Il est convenu que l'engagement susmentionné ne portera pas atteinte aux droits déjà appartenant aux sujets Russes ou étrangers dans ces régions.

ARTICLE XII.

Commercial Relations.

Le Traité de Commerce et de Navigation entre le Japon et la Russie ayant été annulé par la guerre, les Gouvernements Impériaux

du Japon et de Russie s'engagent à adopter comme base de leurs relations commerciales, jusqu'à la conclusion d'un nouveau Traité de Commerce et de Navigation sur la base du Traité qui était en vigueur antérieurement à la guerre actuelle, le système du traitement réciproque sur le pied de la nation la plus favorisée, y compris les tarifs d'importation et d'exportation, les formalités de Douane, les droits de transit et de tonnage, et l'admission et le traitement des agents, des sujets et des vaisseaux d'un pays dans le territoire de l'autre.

ARTICLE XIII.

Prisoners of War.

Aussitôt que possible après la mise en vigueur du présent Traité tous les prisonniers de guerre seront réciproquement restitués. Les Gouvernements Impériaux du Japon en de Russie nommeront, chacun de son côté, un Commissaire Spécial qui se chargera des prisonniers. Tous les prisonniers se trouvant entre les mains de l'un des Gouvernements seront remis au Commissaire de l'autre Gouvernement, ou à son représentant dûment autorisé, qui les recevra en tel nombre et dans tels ports convenables de l'État remettant que ce dernier aurait notifié d'avance au Commissaire de l'État recevant.

Les Gouvernements du Japon et de Russie présenteront l'un à l'autre, le plus tôt possible après que la remise des prisonniers aura été achevée, un compte documenté des dépenses directes faites respectivement par eux pour le soin et l'entretien des prisonniers depuis la date de la capture ou de la reddition jusqu'à celle de la mort ou de la remise. La Russie s'engage à rembourser au Japon, aussitôt que possible après l'échange de ces comptes, comme il est stipulé ci-dessus, la différence entre le montant réel ainsi dépensé par le Japon et le montant réel également déboursé par la Russie.

ARTICLE XIV.

*Ratifications.**

Le présent Traité sera ratifié par leurs Majestés l'Empereur du Japon et l'Empereur de Toutes les Russies. Cette ratification sera, dans le plus bref délai possible, et en tous cas pas plus tard que dans cinquante jours à partir de la date de la signature du Traité, notifiée aux Gouvernements Impériaux du Japon et de Russie respectivement, par l'intermédiaire du Ministre de France à Tokio et de l'Ambassadeur des États-Unis d'Amérique à Saint-Pétersbourg, et à partir de la date de la dernière de ces notifications ce Traité sera, dans toutes ses parties, mis en pleine vigueur.

L'échange formel des ratifications se fera à Washington aussitôt que possible.

* The Treaty came into operation, 15th October, 1905.

ARTICLE XV.

French Text of Treaty to be Authoritative.

Le présent Traité sera signé en double : en langues Anglaise et Française. Les deux textes sont absolument conformes ; mais, en cas de divergence d'interprétation, le texte Français fera foi.

En foi de quoi les Plénipotentiaires respectifs ont signé et scellé de leurs sceaux le présent Traité de Paix.

Fait à Portsmouth (New Hampshire), le 5e jour du 9e mois de la 38e année de Meidji, correspondant au 23 Août (5 Septembre) de l'an 1905.

(L.S.) SERGE WITTE.
(L.S.) ROSEN.
(L.S.) JUTARO KOMURA.
(L.S.) K. TAKAHIRA.

Conformément aux dispositions des Articles III et IX du Traité de Paix entre le Japon et la Russie en date de ce jour, les Plénipotentiaires soussignés ont conclu les Articles Additionnels suivants :—

I.—Ad ARTICLE III.

Date of Evacuation of Manchuria. Guards to protect Railways.

Les Gouvernements Impériaux du Japon et de Russie s'engagent mutuellement à commencer le retrait de leurs forces militaires du territoire de la Mandchourie simultanément et immédiatement après la mise en vigueur du Traité de Paix ; et dans une période de dix-huit mois, à partir de cette date, les armées des deux Puissances seront complètement retirées de la Mandchourie, à l'exception du territoire à bail de la Presqu'île de Liaotong.

Les forces des deux Puissances occupant les positions frontales seront retirées les premières.

Les Hautes Parties Contractantes se réservent le droit de maintenir des gardes pour protéger leurs lignes de chemins de fer respectives en Mandchourie. Le nombre des ces gardes n'excédera pas quinze hommes par kilomètre ; et dans la limite de ce nombre maximum, les Commandants des armées Japonaises et Russes fixeront, de commun accord, le nombre des gardes qui seront employés, le plus minime possible conformément aux exigences réelles.

Les Commandants des forces Japonaises et Russes en Mandchourie s'entendront sur tous les détails relatifs à l'exécution de l'évacuation conformément aux principles ci-dessus énumérés, et prendront, de commun accord, les mesures nécessaires pour effectuer l'évacuation aussitôt que possible, et en tous cas pas plus tard que dans la période de dix-huit mois.

II.—AD ARTICLE IX.

Delimitation of Boundary in Saghalien.

Aussitôt que possible après la mise en vigueur du présent Traité, une Commission de Délimitation, composée d'un nombre égal de membres qui seront nommés respectivement par les deux Hautes Parties Contractantes, marquera, sur les lieux, d'une manière permanente, la ligne exacte entre les possessions Japonaise et Russe de l'Ile de Sakhaline. La Commission sera tenue, autant que les considérations topographiques le permettent, à suivre le 50e parallèle de latitude nord pour la ligne de démarcation, et dans le cas où des déviations de la dite ligne sur quelques points seront trouvées nécessaires, compensation en sera faite par des déviations corrélatives sur d'autres points. Il sera, de même, le devoir de la dite Commission de préparer une liste et description des îles adjacentes qui seront comprises dans la cession, et finalement la Commission préparera et signera les cartes constatant les limites du territoire cédé. Les travaux de la Commission seront soumis à l'approbation des Hautes Parties Contractantes.

*Ratification.**

Les Articles Additionnels mentionnés ci-dessus seront considérés comme ratifiés par la ratification du Traité de Paix auquel ils sont annexés.

Portsmouth, le 5e jour du 9e mois de la 38e année de Meidji, correspondant au 23 Août (5 Septembre), 1905.

SERGE WITTE.
ROSEN.
JUTARO KOMURA.
K. TAKAHIRA.

(**No. 116.**) *EXCHANGE OF NOTES between Great Britain and Denmark respecting the Reciprocal Protection of Trade Marks in China. Copenhagen, 11th November and 11th December, 1905.*

(1).—*Count Raben-Levetzau to Mr. Johnstone.*

Ministère des Affaires Étrangères,
Copenhague, le 11 Novembre, 1905.

M. LE MINISTRE,

En me demandant, par votre note du 23 Août dernier, si les Tribunaux Danois en Chine sont autorisés à punir les sujets Danois

* See footnote on page 612.

qui auraient violé en Chine des marques de fabrique et de commerce Britanniques, vous m'avez informé que votre Gouvernement, aussitôt qu'il aura reçu une réponse affirmative à cette question, prendra les mesures nécessaires pour permettre la poursuite devant les Cours Consulaires Britanniques de sujets Britanniques ayant violé des marques de fabriques et de commerce Danoises.

Considérant ce qui précède, j'ai l'honneur de vous informer que les lois Danoises visant la protection des marques de fabrique et de commerce s'appliquent en général aux sujets Danois en Chine, et que des instructions viennent d'être expédiées au Consul de Danemark à Shanghaï, Juge Consulaire Danois pour toute la Chine, à l'effet de l'autoriser à protéger les marques de fabrique et de commerce Britanniques dûment enregistrées en Danemark contre les infractions de sujets Danois en Chine dans la même mesure que les marques Danoises de la même nature.

En vous priant de rapporter ce qui précède à votre Gouvernement, je me permets d'exprimer l'attente de recevoir bientôt une note m'informant de l'envoi au Ministre Britannique à Pékin des instructions nécessaires pour assurer la réciprocité et permettant la punition par les Tribunaux Britanniques en Chine de sujets Britanniques ayant violé des marques de fabrique et de commerce Danoises.

Je saisis, &c.,

RABEN-LEVETZAU.

(2).—*Mr. Chilton to Count Raben-Levetzau.*

MONSIEUR LE MINISTRE, *Copenhagen, December* 11, 1905.

With reference to your Excellency's note to Sir A. Johnstone of the 11th ultimo, respecting the protection of British trade-marks, duly registered in Denmark, against infraction by Danish subjects in China, I have the honour to inform your Excellency that His Majesty's Minister at Peking has been requested to issue the necessary instructions to His Majesty's Consular Officers in China in order that similar protection may be extended to Danish trade-marks should they be infringed by British subjects.

I avail, &c.,

H. G. CHILTON.

(No. 117.) *EXCHANGE OF NOTES between Great Britain and Germany respecting the Reciprocal Protection of Trade Marks in China. London,* $\frac{23rd}{26th}$ *March,* 1906.

(1).—*Sir Edward Grey to Count Metternich.*

YOUR EXCELLENCY, *Foreign Office, March* 23, 1906.

WITH reference to our recent conversations respecting the mutual protection of British and German trade-marks in China, I have the honour to state that under the Order in Council of the 2nd February, 1899,* it is open to a German whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Court, provided—

1. That the consent in writing of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution; but

2. Such consent may be withheld unless His Majesty's Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in the German Consular Court of German subjects infringing British trade-marks.

I have the honour to inform your Excellency that it is not open to doubt that in practice the consent of the British Minister would be given in any and every case where full reciprocity could be and was granted by Germany.

His Majesty's Representative at Peking will be instructed accordingly, as soon as the German Government inform His Majesty's Government that it is open to British subjects to take proceedings before the German Consular Courts in China against persons subject to German Consular jurisdiction who infringe trade-marks duly registered in Germany, and that the German Consuls in China have received instructions in that sense.

I have, &c.,
EDWARD GREY.

(2).—*Count Metternich to Sir Edward Grey.*

(Translation.)

German Embassy, London, March 26, 1906.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Excellency's note of the 23rd instant, in which you state that it is open to a German subject in China to take proceedings in the competent British Consular Court against a British subject for infringement of his trade-marks, provided that the British diplomatic Representative in Peking gives his consent thereto in writing. This consent

* Repealed; but see Order in Council of 11th February, 1907 (**No. 169**), Article 3.

will, according to the contents of your Excellency's note above mentioned, be accorded without doubt in every case, provided that reciprocity is given.

In reply to your Excellency's note I am directed by my Government to state that the Imperial German Law for the protection of trade-marks of the 12th May, 1894 ("Reichsgesetzblatt," p. 441), is in force in the districts where there are German Consular Courts [§ 19 of the German Law on Consular Jurisdiction of the 7th April, 1900 ("Reichsgesetzblatt," p. 213)], and that, moreover, the German Consular Judges in China are authorized to take legal proceedings against persons subject to their jurisdiction who make unauthorized use of a trade-mark duly registered in Germany in favour of a British subject.

The German Consuls in China will be furnished with instructions in accordance with the foregoing.

I have, &c.,

P. METTERNICH.

(**No. 118.**) *EXCHANGE OF NOTES between Great Britain and Russia respecting the Reciprocal Protection of Trade Marks in China. Peking,* $\frac{29th}{30th}$ *October,* 1906.

(1).—*M. Pokotilow to Sir J. Jordan.*

Légation Impériale de Russie, Pékin, le 29 Octobre, 1906.

M. LE MINISTRE ET CHER COLLÈGUE,

LE Gouvernement Impérial étant désireux d'arriver à un accord avec le Gouvernement de la Grande-Bretagne concernant la protection réciproque en Chine des marques de fabrique et de commerce, dûment enregistrées en Russie et en Angleterre, j'ai l'honneur de vous informer que je suis autorisé par le Ministre des Affaires Étrangères de Russie de vous déclarer que le Gouvernement de Russie est prêt à donner suite, par l'entremise de ses Tribunaux Consulaires en Chine, à toute demande relative aux contrefaçons des marques de fabrique et de commerce, dûment enregistrées en Russie, commises par des sujets Russes vis-à-vis des ressortissants Anglais.

Je vous serais obligé de vouloir bien m'informer si la même protection serait accordée dans les Tribunaux Consulaires de la Grande-Bretagne en Chine aux marques de fabrique et de commerce, propriété des sujets Russes, régulièrement déposées en Angleterre, qui seraient contrefaites par des sujets Anglais.

Veuillez agréer, &c.,

D. POKOTILOW.

(2).—*Sir J. Jordan to M. Pokotilow.*

SIR, *Peking, October* 30, 1906.

I have the honour to acknowledge the receipt of your note of the 29th October, in which you are good enough to inform me that you have been authorized by the Russian Minister of Foreign Affairs to declare that the Russian Government are ready, through their Consular Tribunals in China, to enforce any request relative to infringements of British trade-marks duly registered in Russia, which may be committed by Russian subjects.

In reply, I have the honour to inform you that under the Order in Council of February 2nd, 1899,* it is open to a Russian whose trade-mark, duly registered in Great Britain, has been infringed by a British subject in China, to take proceedings against the latter in the British Court, provided—

(1) That the consent in writing of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution, but (2) such consent may be withheld unless His Majesty's Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in the Russian Consular Courts of Russian subjects infringing British trade-marks.

In view of the assurances given by your Excellency in the note under reply, I am authorized by His Majesty's Government to inform you that it is not open to doubt that, in practice, the consent of the British Minister or Chargé d'Affaires would be given in any and every case where full reciprocity could be and was granted by Russia.

I shall not fail to inform His Majesty's Government of this exchange of notes nor to issue the necessary instructions to His Majesty's Consular Officers in China.

I have, &c.,

J. N. JORDAN.

(No. 119.) *AGREEMENT between France and Japan respecting the Integrity of China, &c. Signed at Paris, 10th June,* 1907.†

LE Gouvernement de la République française et le Gouvernement de Sa Majesté l'Empereur du Japon, animés du désir de fortifier les relations d'amitié qui existent entre eux et d'en écarter pour l'avenir toute cause de malentendu, ont décidé de conclure l'arrangement suivant :—

"Les Gouvernements de la France et du Japon, d'accord pour respecter l'indépendance et l'intégrité de la Chine, ainsi que le prin-

* Repealed; but see Order in Council of 11th February, 1907 (No. 169), Article 3.

† "Journal Officiel," 22nd June, 1907.

cipe de l'égalité de traitement dans ce pays pour le commerce et les ressortissants de toutes les nations, et ayant un intérêt spécial à voir l'ordre et un état de choses pacifique garantis notamment dans les régions de l'Empire chinois voisines des territoires où ils ont des droits de souveraineté, de protection, ou d'occupation, s'engagent à s'appuyer mutuellement pour assurer la paix et la sécurité dans ces régions, en vue du maintien de la situation respective et des droits territoriaux des deux Parties contractantes sur le continent asiatique."

En foi de quoi les soussignés :

Son Excellence Monsieur Stephen Pichon, Sénateur, Ministre des Affaires etrangères ;

Et Son Excellence Monsieur Kurino, Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté l'Empereur du Japon près le Président de la République française, autorisés par leurs Gouvernements respectifs, ont signé cet arrangement et y ont apposé leur cachets.

Fait à Paris, le 10 Juin, 1907.

(L.S.) S. PICHON.
(L.S.) S. KURINO.

(No. 120.) *CONVENTION between Japan and Russia respecting the Integrity of China, &c. Signed at St. Petersburg, 30th July, 1907.*

Le Gouvernement de Sa Majesté l'Empereur de toutes les Russies et le Gouvernement de Sa Majesté l'Empereur du Japon, désireux de consolider les rapports de paix et de bon voisinage qui se sont heureusement rétablis entre la Russie et le Japon et voulant écarter pour l'avenir toute cause de malentendus dans les relations des deux Empires, sont convenus des dispositions suivantes :

ARTICLE I.

Chacune des Hautes Parties Contractantes s'engage à respecter l'intégrité territoriale actuelle de l'autre et tous les droits découlant, pour l'une et pour l'autre Parties, des traités, conventions et contrats en vigueur entre elles et la Chine, copies desquels ont été échangées entre les Parties Contractantes (en tant que ces droits ne sont pas incompatibles avec le principe de l'opportunité égale du Traité signé à Portsmouth le $\frac{23 \text{ Août,}}{5 \text{ Septembre,}}$ 1905 **(No. 115)**, ainsi que des conventions spéciales conclues entre le Japon et la Russie).

ARTICLE II.

Les deux Hautes Parties Contractantes reconnaissent l'indépendance et l'intégrité territoriale de l'Empire de Chine et le principe de l'opportunité égale pour ce qui concerne le commerce et l'industrie

de toutes les nations dans cet Empire, et s'engagent à soutenir et à défendre le maintien du " statu quo " et le respect de ce principe par tous les moyens pacifiques à leur portée.

En foi de quoi, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé cette Convention et y ont apposé leurs sceaux.

Fait à St. Petersbourg, le $\frac{17}{30}$ Juillet, 1907, correspondant au 30e jour du 7e mois de la 40e année de Meidji.

(L.S.) ISWOLSKY.
(L.S.) MOTONO.

(No. 121.) *CONVENTION between Great Britain and Russia respecting Tibet, &c. Signed at St. Petersburg, 31st August, 1907.**

[Ratifications exchanged at St. Petersburg, September 23, 1907.]

Convention.

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes, et Sa Majesté l'Empereur de Toutes les Russies, animés du sincère désir de régler d'un consentement mutuel différentes questions touchant aux intérêts de leurs États sur le Continent Asiatique, ont résolu de conclure des accords destinés à prévenir toute cause de malentendus entre la Grande-Bretagne et la Russie par rapport aux dites questions et ont nommé à cet effet pour leurs Plénipotentiaires respectifs, savoir :

Sa Majesté le Roi du Royaume-Uni de la Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes, le Très Honorable Sir Arthur Nicolson, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté l'Empereur de Toutes les Russies, le Maître de sa Cour Alexandre Iswolsky, Ministre des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit :—

[*Arrangement concernant la Perse.*]

[*Convention concernant l'Afghanistan.*]

Arrangement concernant le Thibet.

Les Gouvernements de la Grande-Bretagne et de Russie, reconnaissant les droits suzerains de la Chine sur le Thibet et considérant

* Parliamentary Paper, Treaty Series, No. 34 (1907). See also Exchange of Notes, 31st August, 1907 (No. 122).

que par suite de sa situation géographique la Grande-Bretagne a un intérêt spécial à voir le régime actuel des relations extérieures du Thibet intégralement maintenu, sont convenus de l'Arrangement suivant :—

ARTICLE I.

Integrity of Tibet. Non-interference.

Les deux Hautes Parties Contractantes s'engagent à respecter l'intégrité territoriale du Thibet et à s'abstenir de toute ingérence dans son administration intérieure.

ARTICLE II.

Chinese Government to be the Intermediary.

Se conformant au principe admis de la suzeraineté de la Chine sur le Thibet, la Grande-Bretagne et la Russie s'engagent à ne traiter avec le Thibet que par l'entremise du Gouvernement Chinois.

Exceptions.

Cet engagement n'exclut pas toutefois les rapports directs des agents commerciaux Anglais avec les autorités Thibétaines prévus par l'Article V de la Convention du 7 Septembre, 1904,* entre la Grande-Bretagne et le Thibet, et confirmés par la Convention du 27 Avril, 1906 (**No. 32**), entre la Grande-Bretagne et la Chine ; il ne modifie pas non plus les engagements assumés par la Grande-Bretagne et la Chine en vertu de l'Article I de la dite Convention de 1906.

Direct Relations of Buddhists with the Dalai Lama, &c., on Religious Matters.

Il est bien entendu que les Bouddhistes tant sujets Britanniques que Russes peuvent entrer en relations directes sur le terrain strictement religieux avec le Dalaï-Lama et les autres représentants du Bouddhisme au Thibet ; les Gouvernements de la Grande-Bretagne et de Russie s'engagent, pour autant qu'il dépendra d'eux, à ne pas admettre que ces relations puissent porter atteinte aux stipulations du présent Arrangement.

ARTICLE III.

Engagement by Great Britain and Russia not to send Representatives to Lhasa.

Les Gouvernements Britannique et Russe s'engagent, chacun pour sa part, à ne pas envoyer de Représentants à Lhassa.

ARTICLE IV.

Concessions.

Les deux Hautes Parties s'engagent à ne rechercher ou obtenir, ni pour leur propre compte, ni en faveur de leurs sujets, aucunes

* See page 204.

Concessions de chemins de fer, routes, télégraphes et mines, ou autres droits au Thibet.

ARTICLE V.

Tibetan Revenues not to be Pledged.

Les deux Gouvernements sont d'accord qu'aucune partie des revenus du Thibet, soit en nature, soit en espèces, ne peut être engagée ou assignée tant à la Grande-Bretagne et à la Russie qu'à leurs sujets.

Annexe à l'Arrangement entre la Grande-Bretagne et la Russie concernant le Thibet.

La Brande-Bretagne réaffirme la déclaration* signée par son Excellence le Vice-Roi et Gouverneur-Général des Indes et annexée à la ratification de la Convention du 7 Septembre, 1904,† stipulant que l'occupation de la Vallée de Chumbi‡ par les forces Britanniques prendra fin après le paiement de trois annuités de l'indemnité de 25,000,000 roupies, à condition que les places de marché mentionnées dans l'Article II de la dite Convention aient été effectivement ouvertes depuis trois ans, et que les autorités Thibétaines durant cette période se soient conformées strictement sous tous les rapports aux termes de la dite Convention de 1904. Il est bien entendu que si l'occupation de la Vallée du Chumbi par les forces Britanniques n'aura pas pris fin, pour quelque raison que ce soit, à l'époque prévue par la Déclaration précitée, les Gouvernments Britannique et Russe entreront dans un échange de vues amical à ce sujet.

La présente Convention sera ratifiée et les ratifications en seront échangées à Saint-Pétersbourg aussitôt que faire se pourra.

En foi de quoi les Plénipotentiaires respectifs ont signée la présente Convention et y ont apposé leurs cachets.

Fait à Saint-Pétersbourg, en double expédition, le 18 (31) Août, 1907.

(L.S.) A. NICOLSON.
(L.S.) ISWOLSKY.

(No. 122.) *EXCHANGE OF NOTES between Great Britain and Russia respecting Scientific Expeditions to Tibet. St. Petersburg, 31st August*, 1907.§

(1).—*Sir N. Nicholson to M. Iswolsky.*

M. le Ministre, *Saint-Pétersbourg, le* 18 (31) *Août*, 1907.

Me référant à l'Arrangement au sujet du Thibet signé aujourd'hui **(No. 121)**, j'ai l'honneur de faire à votre Excellence la déclaration suivante :—

"Le Gouvernement Britannique juge utile, pour autant qu'il

* See page 208. † See page 204.

‡ On 27th January, 1908, the final instalment of the Indemnity was paid, and the Chumbi Valley was evacuated on 8th February, 1908.

§ Parliamentary Paper, Treaty Series, No. 34 (1907). Page 14.

dépendra de lui, de ne pas admettre, sauf accord préalable avec le Gouvernement Russe, pour une durée de trois ans à partir de la date de la présente communication, l'entrée au Thibet d'une mission scientifique quelconque, à condition toutefois qu'une assurance pareille soit donnée de la part du Gouvernement Impérial de Russie.

" Le Gouvernement Britannique se propose, en outre, de s'adresser au Gouvernement Chinois afin de faire agréer à ce dernier une obligation analogue pour une période correspondante ; il va de soi que la même démarche sera faite par le Gouvernement Russe.

" A l'expiration du terme de trois ans précité, le Gouvernement Britannique avisera d'un commun accord avec le Gouvernement Russe à l'opportunité, s'il y a lieu, de mesures ultérieures à prendre concernant les expéditions scientifiques au Thibet."

Je saisis, &c.

A. NICOLSON.

(2).—*M. Iswolsky to Sir N. Nicolson.*

M. l'Ambassadeur, *Saint-Pétersbourg, le* 18 (31) *Août*, 1907.

En reponse à la note de votre Excellence en date de ce jour, j'ai l'honneur de déclarer à mon tour que le Gouvernement Impérial de Russie juge utile, pour autant qu'il dépendra de lui, de ne pas admettre, sauf accord préalable avec le Gouvernement Britannique, pour une durée de trois ans, à partir de la date de la présente communication, l'entrée au Thibet d'une mission scientifique quelconque.

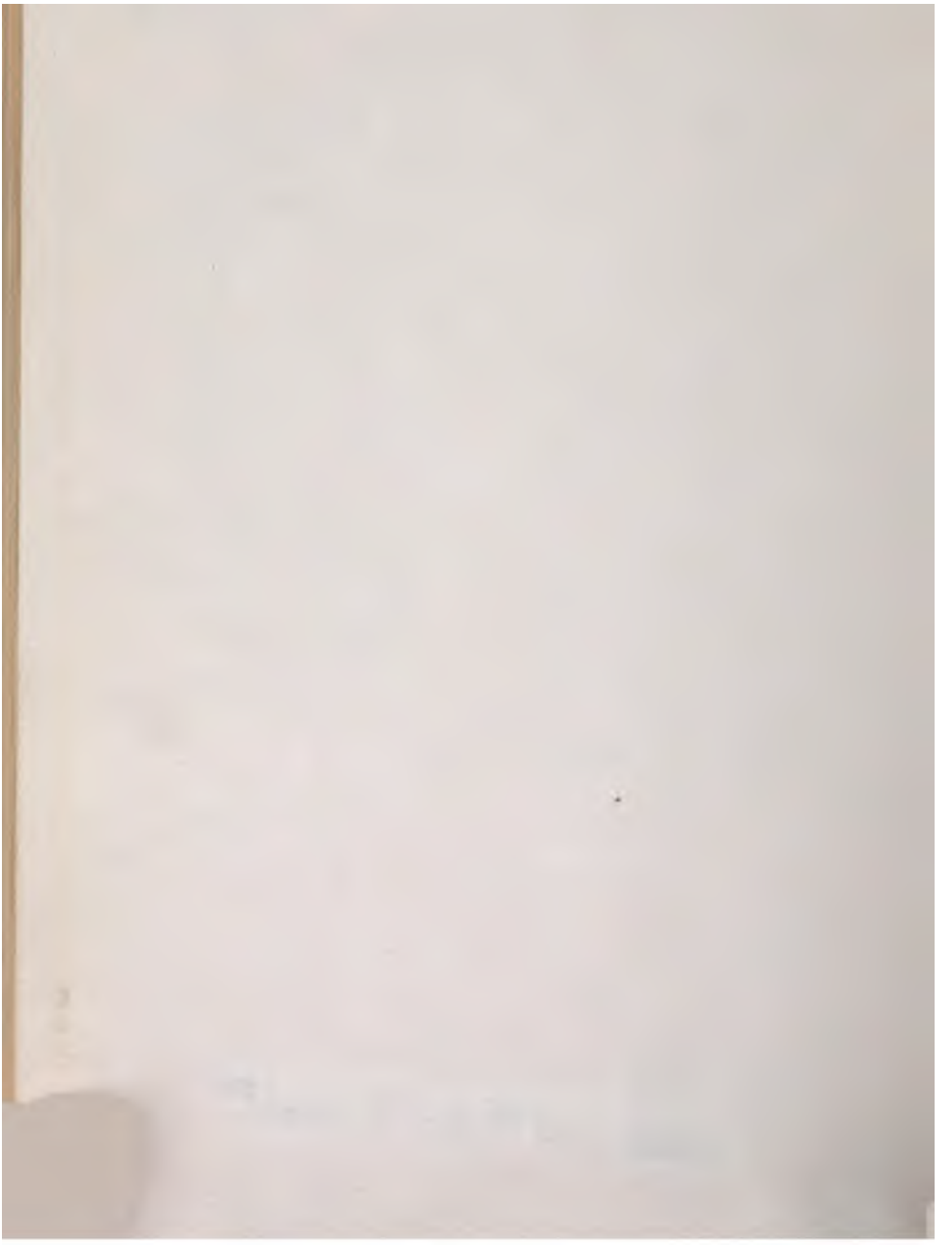
De même que le Gouvernement Britannique, le Gouvernement Impérial se propose de s'adresser au Gouvernement Chinois afin de faire agréer à ce dernier une obligation analogue pour une période correspondante.

Il reste entendu qu'à l'expiration du terme de trois ans les deux Gouvernements aviseront d'un commun accord à l'opportunité, s'il y a lieu, de mesures ultérieures à prendre concernant les expéditions scientifiques au Thibet.

Veuillez agréer, &c.,

ISWOLSKY.

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